

THE MADRAS LEGISLATIVE COUNCIL.

Thursday, 12th August 1954.

The House met in the Council Chamber, Fort St. George, at eleven of the clock, Mr. Chairman (THE HON. DR. P. V. CHERIAN) in the Chair.

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

I.—CONDOLENCE RESOLUTION ON THE DEATH OF SRI HAMEED SULTAN MARICAIR.

MR. CHAIRMAN :—“ I regret to have to announce to the House the death of Sri V. Hameed Sultan Maricair.”

* THE HON. SRI M. BHAKTAVATSALAM :—“ Mr. Chairman, Sir, I move—

‘ That this House places on record its deep sense of sorrow at the demise of Sri V. Hameed Sultan Maricair, an ex-Member of the Legislative Council, and conveys its sense of sympathy to the members of his bereaved family.’

“ Sir, the late Khan Bahadur V. Hameed Sultan Maricair was a member of the Madras Legislative Council from 1939 to 1952. He was the son-in-law of the late hon. Sri A. K. G. Ahmed Thambi Maricair. He was a leading merchant and was President of the Taluk Board of Nagapattinam for several years. I have known him as a very amiable gentleman. I do hope that this resolution will be accepted unanimously.”

* DR. V. K. JOHN :—“ Mr. Chairman, Sir, I associate myself on behalf of the Opposition with the sentiments expressed by the Hon. the Leader of the House and with the resolution he has moved.”

SRI V. CHAKKARAI CHETTY :—“ Mr. Chairman, Sir, unfortunately I had not the pleasure or the privilege of real acquaintance with a gentleman whose death we are deploring in this resolution. But I know, Sir, that the Hon. the Leader of the House is fully acquainted with all the details and therefore it goes without any controversy that we extend to the members of the bereaved family our sincere sympathy in their bereavement and hope that our appreciation will go some little way towards alleviating their sorrow. But no amount of human sympathy, however good it may be, will be a substitute for the living personality who is no more with them. I associate myself with all the sentiments expressed on this occasion in connection with the departure of a former member of the Legislative Council.”

MR. CHAIRMAN :—“ I also wish to associate myself with this resolution. I knew the late Sri V. Hameed Sultan Maricair for very many years and was always struck with his genial personality and friendship. It is a great blow to the family that he

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has passed away and this resolution will be a great source of comfort to them. As a mark of respect to his memory, I would request the hon. Members to stand in silence for a few seconds."

The resolution was passed *nem. con.* all the Members of the Council standing.

II.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Number of posts of Assistant and Deputy Superintendents of Police filled up during the period 1948–53.

* 67 Q.—SRI K. N. PALANISWAMI GOUNDER: Will the Hon. the Chief Minister be pleased to state how many posts of Assistant Superintendents and Deputy Superintendents of Police have been filled up every year from 1948–49 to 1952–53 and how many of these by direct recruitment?

THE HON. SRI M. BHAKTAVATSALAM (on behalf of the Hon. the Chief Minister):—"A statement^a is placed on the table of the House."

Retrenchment and abolition of posts in the services of this State consequent on the formation of the Andhra State.

* 68 Q.—SRI T. PURUSHOTHAM: Will the Hon. the Chief Minister be pleased to state—

(a) the number of posts of (i) Officers (Gazetted) and (ii) subordinate officials permanently retrenched or proposed to be retrenched after 1st October 1953 consequent on the formation of the Andhra State; and

(b) the number of (i) temporary officers and (ii) temporary subordinate officials who were discharged from service in all the departments in this State consequent on the separation of Andhra State?

THE HON. SRI M. BHAKTAVATSALAM (on behalf of the Hon. the Chief Minister):—" (a) Eighty-eight posts of Gazetted Officers and 1,402 posts of Non-gazetted Officers including 225 Last Grade Government Servants have been permanently retrenched after 1st October 1953 consequent on the formation of the Andhra State.

" (b) Six temporary officers and 784 temporary subordinate officials have been discharged from service in the various departments in this State consequent on the separation of the Andhra State."

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SRI T. PURUSHOTHAM :—“ May I know, Sir, whether the redistribution of the total establishment of the composite State had been effected in the ratio prescribed for the allocation of assets and liabilities between the dividing States? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ I do not think it is exactly in any proportion like that.”

SRI T. PURUSHOTHAM :—“ Are there any Andhras still left over in our establishments, Sir? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ Perhaps there may be a few Andhras still left over.”

SRI T. PURUSHOTHAM :—“ Is there any proposal, Sir, to send them to the Andhra State? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ The Government have been examining cases individually on their own merits.”

SRI T. PURUSHOTHAM :—“ Is there any proposal to appoint a Retrenchment Committee for effecting reduction of establishments in the various departments in the State? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ Sir, there is no such proposal now.”

SRI T. PURUSHOTHAM :—“ Are the Government going to simplify the departmental rules and thus cut out the excessive expenditure on the establishments and higher intermediary posts? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ The Government have been examining all such proposals and are taking necessary action.”

SRI V. CHAKKARAI CHETTY :—“ Are there any Tamil officers serving in the Andhra State and is there any proposal on the part of the Andhra Government to send them away? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ Some Tamil officers are there by way of transfer.”

SRI V. V. RAMASWAMY :—“ ஆந்திராவுக்கு அனுப்பப்பட்டிருக்கும் தமிழ் அதிகாரிகள் திரும்பவும் இங்கே வரவேண்டுமென்று விரும்பினால் அவர்களை உடனே இங்கே அழைக்க, தக்க நடவடிக்கையை இந்தச் சர்க்கார் எடுக்குமா? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ Sir, individual cases are being examined on their own merits.”

DR. V. K. JOHN :—“ Is there a surplus staff, Sir, in our State on account of the partition? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ Sir, I do not think there is any surplus staff now. I have already answered that certain officers have been retrenched.”

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SRI MOHAMED RAZA KHAN :—“ Is the Hon. Minister aware of the fact that some of the Tamilian officers allotted to the Andhra State have been informed that there is no place for them there and have been asked to go to the Madras State? What has happened to such category of officers, Sir? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ I would like to have notice, Sir.”

Raids by French Indian Police and goondas into the territory of Madras State.

* 69 Q.—SRI V. GURUNANDAN ROW : Will the Hon. the Chief Minister be pleased to state—

(a) whether the Government have received any reports of raids by French Indian Police and goondas into the territory of Madras State recently; and

(b) if so, the action taken thereon?

THE HON. SRI M. BHAKTAVATSALAM (on behalf of the Hon. the Chief Minister) :—“ (a) Government have received reports of three raids by French Indian Police and goondas into this State territory recently. The circumstances of each incident are given below :—

(1) On 23rd March 1954, a posse of French Indian Police trespassed into the Indian Union limits in Kattupalayam borders in Cuddalore taluk and kidnapped one Nandagopal, Mayor of French Mudaliarpet.

(2) On 12th April 1954, a group of French Indian rowdies trespassed into the jack fruit and cashewnut gardens belonging to a pro-mergerite and removed the jack fruits and cashewnuts. When the Sub-Inspector of Police, Kottakuppam, proceeded to the spot to investigate into the case, a crowd of about 400 rowdies resorted to stone-throwing and dragged some of the pro-mergerites in the Indian Union limits with a view to kidnap them. The French Police, which was within the Indian territory at once opened fire to help the goondas. Three pro-mergerites sustained gunshot wounds. The Sub-Inspector of Police, Kottakuppam, thereupon ordered his S.A.P. men to return fire upon the French personnel. At this, the French Military Police retreated to their territory.

(3) On 1st May 1954, when an M.S.P. lorry was returning from Kodukur to Pudukuppam near the French-Chettipet road, the Naick driver noticed a palmyra trunk laid across the road to obstruct his passage. When he was clearing the obstruction with the help of a Police Constable who was with him, the villagers numbering about 300 began to throw stones on the lorry and the policemen. The vehicle received a number of dents and the Police Constable who was with the driver, sustained an injury. After warning,

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the Police Constable fired two rounds, and the crowd dispersed. Two persons are reported to have sustained gunshot wounds.

“(b) Adequate Police personnel have been stationed in the area to prevent violation of Indian territory.”

SRI V. CHAKKARAI CHETTY :—“ Have the French authorities made any apologies for the irregularities committed by the French Police and the goondas acting under their instigation? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ The Government of India have been attending to this matter at a higher level. There can be no question of extracting apologies at a lower level.”

SRI V. GURUNANDAN ROW :—“ Has the Hon. the Minister submitted diplomatic representations through the Central Government regarding these incidents, Sir? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ The Union Government have been seized of this matter and they have been taking appropriate action.”

SRI V. GURUNANDAN ROW :—“ Have the Government any 11-10 information, Sir, that the French Government is relinquishing its a.m. authority over these territories by the 15th August? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ Sir, this Government have no such information at present.”

SRI A. GAJAPATHY NAYAGAR :—“ பிரஞ்சுப் போலீஸார் சுட்டதன் காரணமாக எவ்வளவு பேர்கள் உயிர் இழந்தார்கள்? எவ்வளவு பேர்கள் காயம் அடைந்தார்கள்? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ I would like to have notice, Sir.”

DR. V. K. JOHN :—“ Will the Government give an assurance that hereafter if French Police or Military personnel come into our territory they will be arrested and detained and dealt with properly? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ Sir, I do not think any such assurance is necessary. This Government have been taking adequate action in the matter.”

Number of cases of cholera registered in the Cuddalore Headquarters Hospital.

* 70 Q.—SRI M. ETHIRAJULU : Will the Hon. the Minister for Health be pleased to state—

(a) the number of cases of cholera registered in the Cuddalore Headquarters Hospital during the years 1951-52, 1952-53 and 1953-54; and

(b) whether there is any isolation ward in the Cuddalore Headquarters Hospital, and if not, the reasons therefor?

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THE HON. SRI A. B. SHETTY :—“(a) The number of cases of cholera registered in the Government Headquarters Hospital during the last three years is as follows:—

1951-52	...	...	...	...	...	...	172
1952-53	...	...	...	...	...	...	180
1953-54	...	...	...	...	...	...	303

“(b) There is an isolation ward in the Government Headquarters Hospital, Cuddalore.”

Congestion in the Government hospitals in the City of Madras.

* 71 Q.—DR. A. SREENIVASAN : Will the Hon. the Minister for Health be pleased to state—

(a) whether the Government hospitals in the City of Madras are overcrowded;

(b) if so, since when; and

(c) the action taken by the Government so far to remove the congestion in these hospitals and with what results?

THE HON. SRI A. B. SHETTY :—“(a) Yes, Sir.

“(b) For some years past, Sir.

“(c) The congestion in the hospitals has been relieved to some extent by adopting the following measures:—

(1) Wherever possible, accommodation and bed-strength of the hospitals have been increased.

(2) More facilities have been and are being provided in the out-patient department of the hospitals for carrying out investigations necessary for the proper medical examination of patients, thereby reducing the number of admissions for in-patient treatment.

(3) Patients are kept in the hospitals only for the period which is considered absolutely necessary.”

DR. A. SREENIVASAN :—“May I know, Sir, whether it is not a fact that there is a hospital order that no ward or unit should have more than 25 per cent extra beds and in spite of repeated circulars that have been sent by the Dean of the hospital, no medical officer has cared to reduce the extra bed-strength under him. The order is honoured more in the breach than in the observance?”

THE HON. SRI A. B. SHETTY :—“There is great demand for admissions and Superintendents of hospitals are afraid of public opinion in this matter. Instructions have been sent to them to see that the excess number of patients admitted to the hospitals is not more than 25 per cent over and above the sanctioned bed-strength. I hope day by day they will be able to reduce the excess number to be admitted to the hospitals.”

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DR. A. SREENIVASAN :—“ May I know, Sir, whether it is not a fact that most of the extra patients were discharged from the hospitals, since I tabled the question? ”

THE HON. SRI A. B. SHETTY :—“ I do not think, Sir, the hon. Member can claim credit for any such achievement.”

DR. A. SREENIVASAN :—“ I am quite prepared to prove my point by statistics obtained from the hospitals. There is also another thing that obtains in the hospital . . . ”

SRI T. PURUSHOTHAM :—“ I think the hon. Member should put it in the form of a question.”

DR. A. SREENIVASAN :—“ I am saying this only by way of personal explanation, Sir. I am new to this House and the hon. Member Sri Purushotham cannot expect from me the great parliamentary abilities that he possesses.”

MR. CHAIRMAN :—“ But the hon. Member should address the Chair while putting questions.”

DR. A. SREENIVASAN :—“ I am sorry, Sir. Is it not a fact, Sir, that in some of the units in the hospitals every day happens to be admission day on the pretext that they are old cases and will Government examine that aspect of the question? ”

THE HON. SRI A. B. SHETTY :—“ A separate question may be asked, Sir. As regards the statement made in the first part of his question, I shall have to enquire and get particulars.”

SRI T. PURUSHOTHAM :—“ Sir, are not medical officers expected to be rather humane in the matter of admission of patients rather than strictly adhere to the hospital rules? ”

THE HON. SRI A. B. SHETTY :—“ I have already said, Sir, that on account of humane consideration, the Superintendents are obliged to admit excess number of patients.”

SRI K. BHASHYAM :—“ Would it be humane to allow overcrowding in hospitals which will endanger the health of all the patients? ”

THE HON. SRI A. B. SHETTY :—“ That is why, Sir, directions have been issued to limit the number of excess admissions.”

SRI MOHAMED RAZA KHAN :—“ May I know, Sir, whether the bed-strength of the General Hospital has been increased and, if so, to what extent? ”

THE HON. SRI A. B. SHETTY :—“ Sir, it is proposed to increase the bed-strength from 887 to 1,125 when the second floor is reconstructed according to the scheme proposed to convert it into wards.”

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SRI MOHAMED RAZA KHAN :—“ May I know the actual time that will be taken to complete the work and increase the bed-strength? ”

THE HON. SRI A. B. SHETTY :—“ I suppose, Sir, some part of the work has already been completed and the remaining portion will be completed very soon.”

DR. V. K. JOHN :—“ May I know whether the Government have any programme for constructing new hospitals to prevent overcrowding in hospitals? ”

THE HON. SRI A. B. SHETTY :—“ Sir, the responsibility of providing medical relief in rural areas is that of the local bodies concerned. Government take over taluk headquarters hospitals year after year and then they increase the accommodation by extending them.”

DR. A. SREENIVASAN :—“ In spite of the humane aspect of the question, does not efficiency suffer by overcrowding? ”

THE HON. SRI A. B. SHETTY :—“ It does suffer and that is why Government want to limit the excess number of admissions.”

SRI MOHAMED RAZA KHAN :—“ When there was overcrowding in the City hospitals, will the Hon. the Minister give us an instance where the physicians, honorary as well as paid, brought to the notice of the Dean the fact that the wards were overcrowded? ”

THE HON. SRI A. B. SHETTY :—“ No such instance has come to my notice, Sir. In fact, the medical officers admit the patients. All the hospitals in the City as well as in the mufassal are overcrowded at present.”

DR. A. SREENIVASAN :—“ May I inform the Hon. Minister for Health that on more than one occasion, I have invited the attention of the Dean regarding the overcrowding and how it could be brought down by exhibiting a certain amount of administrative ability? ”

THE HON. SRI A. B. SHETTY :—“ I shall be glad to have the valuable suggestions of the hon. Member.”

DR. A. SREENIVASAN :—“ Government can call for the file from the Dean.”

THE HON. SRI A. B. SHETTY :—“ It is open to the hon. Member as a Member of this House to send his suggestions direct to Government.”

DR. A. SREENIVASAN :—“ Why should not the Hon. Minister make use of his powers and obtain the file? It will be

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very difficult for me now to recollect from memory the circumstances under which I wrote those notes and then communicate them to the Hon. Minister. It will be quite easy for the Hon. Minister to obtain the file from the Dean."

THE HON. SRI A. B. SHETTY :—" I do not see any difficulty in the hon. Member placing his suggestions before me."

Number and place of meetings of the Board of Public Health held from 1st April 1949.

* 72 Q.—DR. A. SREENIVASAN: Will the Hon. the Minister for Health be pleased to state—

(a) the number and place of meetings of the Board of Public Health held from 1st April 1949; and

(b) whether it is a fact that the Minister for Health appealed to the members of the Public Health Board at one of its meetings held at Ootacamund in 1949-50 to bring forward subjects for the consideration of the Board, as there was dearth of subjects for discussion?

THE HON. SRI A. B. SHETTY :—" (a) Six meetings of the Public Health Board were held from 1st April 1949 till date. Three were held at Madras and three at Ootacamund.

" (b) No, Sir."

DR. A. SREENIVASAN :—" May I request the Hon. Minister to place a copy of the proceedings of the Board meetings on the table of the House? "

THE HON. SRI A. B. SHETTY :—" I do not think it is necessary, Sir."

DR. A. SREENIVASAN :—" We require it for our information. We do not know what transpired there."

Deputation of medical officers abroad for higher studies in radiology.

* 73 Q.—DR. A. SREENIVASAN: Will the Hon. the Minister for Health be pleased to state—

(a) whether there is any proposal to send on deputation abroad any medical officer of the State for higher studies in radiology;

(b) if so, the period of the proposed deputation;

(c) whether the Government had called for any applications from among the State medical officers for such a deputation; and

(d) if so, the qualifications prescribed for the applicant?

THE HON. SRI A. B. SHETTY :—" (a) to (d) The Government have under consideration a proposal submitted by the

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Director of Medical Services for the training abroad of medical officers in radiology. The details of the scheme have not yet been settled."

DR. A. SREENIVASAN :—" May I know, Sir, what class of doctors are sent on deputation? "

THE HON. SRI A. B. SHETTY :—" Doctors who have got the necessary qualification are sent abroad for such post-graduate training as is required for the work we have in our hospitals."

DR. A. SREENIVASAN :—" Is it not a convention that only those who possess Civil Surgeon's qualifications are sent on deputation and not those who possess the qualification of Civil Assistant Surgeon? "

THE HON. SRI A. B. SHETTY :—" Sir, we have at present the Barnard Institute, the Women and Children's Hospital, the Madurai New College and the Mangalore New Hospital where we require radiologists with foreign post-graduate qualifications. The Director of Medical Services has proposed that two officers may be sent abroad every year for post-graduate training in radiology."

11-20 a.m. DR. A. SREENIVASAN :—" Is there no new Post-Graduate Diploma course in the Barnard Institute of Radiology? Where is the necessity to send people at considerable expense to foreign countries? "

THE HON. SRI A. B. SHETTY :—" I am surprised at the ignorance of the hon. Member. There is only a short combined diploma course for radio therapy and diagnosis."

DR. A. SREENIVASAN :—" Is it not a Post-Graduate Diploma? "

THE HON. SRI A. B. SHETTY :—" That is not considered sufficient for teaching work by the University."

MR. CHAIRMAN :—" I will now take up the next question."

DR. A. SREENIVASAN :—" May I know from the Hon. Minister . . . "

MR. CHAIRMAN :—" Order, order. When the Chairman is standing the hon. Member should resume his seat."

Damage to standing crops in districts affected by the recent paddy pest.

* 74 Q.—SRI T. PURUSHOTHAM: Will the Hon. the Minister for Agriculture be pleased to state—

(a) the districts affected by the recent paddy pest;

(b) whether any investigation has been made as to the cause of the pest and if so, what remedial measures have been adopted to combat the same;

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(c) whether the Government have issued any pamphlet in regional language to educate the ryots about the incidence of this pest and if so, the precautionary methods they have been advised to adopt;

(d) the average percentage of damage to standing crops in each of the affected districts;

(e) whether kist remission has been ordered to be granted in such cases and if so, whether the Government will be pleased to lay on the table of the House a copy of the order; and

(f) whether the Government have considered the postponement of collection of takkavi and all other agricultural loan instalments for one year in the affected areas, and if so, the districts or taluks for which such concession has been granted?

THE HON. SRI M. BHAKTAVATSALAM :—“(a) The following are the districts affected by the pests, Green Jassid and the stem-borer of paddy :—Chingleput, North Arcot, South Arcot, Salem, Tiruchirappalli, Madurai, Tirunelveli and Tanjore.

“(b) The two pests referred to are practically prevalent in all paddy-growing areas during all the years. Their virulence and consequent damage are conditioned by seasonal factors. The binomics of pests have been studied by the Agriculture Department. Investigations were in progress at the Agricultural Research Station, Aduthurai, during the period 1950-53. Investigations have also been carried out by the Central Rice Research Institute, Cuttack, on the measures to be adopted to control the stem-borer pest. The experience gained by this Institute was passed on to this Government by the Indian Council of Agricultural Research. The information received from the Indian Council of Agricultural Research was sent to the Director of Agriculture and he has been instructed to try these measures in this State. Dusting of the insecticides D.D.T. and BH6 of proper strength was advocated by the department and adopted on a very wide scale in all the districts. Insecticides were sold at the concessional rate of 75 per cent of the cost price. In areas declared as pest-affected by the Collectors concerned, the sale was effected at 50 per cent of the cost price. Arrangements were also made to distribute the insecticides to villagers through departmental lorries.

“(c) Pamphlets in regional languages explaining the symptoms and treatment of the pest-affected crops were distributed widely.

“(d) The extent of damage cannot be assessed with accuracy. However, damage ranging from 5 to 10 per cent was noted in the affected fields.

“(e) & (f) Government have ordered that remission of assessment should be granted in cases where the out-turn is less than two annas and that for this purpose the provisions of

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the Board's Standing Order No. 13 (5) should be interpreted liberally. The Government have further ordered that coercive steps should not be taken for the collection of loan instalments in certain areas. Copies^a of the relevant orders are placed on the table of the House."

SRI K. BHASHYAM:—"Sir, in view of the length of the answer, we are not able to follow it. I request that the answer may be circulated to-morrow so that supplementary questions may be put on it."

THE HON. SRI M. BHAKTAVATSALAM:—"Copies of the order have already been placed on the table of the House."

SRI T. PURUSHOTHAM:—"With reference to details in the printed paper laid on the table of the House, may I know if the Government have considered any proposal for writing off the arrears of kist collection in view of the continuous drought conditions in the State for the last five or six years?"

THE HON. SRI M. BHAKTAVATSALAM:—"The remission would be considered according to the rules of remission."

Branches of the Society for the Prevention of Cruelty to Animals in this State.

* 75 Q.—SRI T. PURUSHOTHAM: Will the Hon. the Minister for Finance and Education be pleased to lay on the table of the House a list of branches of the Society for the Prevention of Cruelty to Animals functioning in this State showing the number of members of each branch and to state—

(a) whether the Government have any control over the activities of the Society for the Prevention of Cruelty to Animals, and if so, to what extent;

(b) whether the Government have received any complaints or representations regarding the persecution of ignorant people by the subordinates of the Society for the Prevention of Cruelty to Animals and if so, the action taken thereon; and

(c) whether the Government have any proposal to transfer this branch of work to the regular staff of the Animal Husbandry Department?

THE HON. SRI C. SUBRAMANIAM:—"A statement^b showing the number of branches of Society for the Prevention of Cruelty to Animals in this State and the number of members of each branch is placed on the table of the House.

"(a) The Government exercise control over the activities of the Society for the Prevention of Cruelty to Animals through officers of Government who are ex-officio Presidents of the Societies.

^a Printed as Appendix II on pages 332-333 infra.

^b Printed as Appendix III on page 334 infra.

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“(b) The Government have received some representations about persecution of ignorant persons by Society for the Prevention of Cruelty to Animals agents and they are taking suitable action in the matter.

“(c) The Government have no such proposal.”

SRI T. PURUSHOTHAM:—“ May I know how these members of branches of the Society for the Prevention of Cruelty to Animals are enrolled? Is there any particular rule or process for enlisting the members of these Societies? ”

THE HON. SRI C. SUBRAMANIAM:—“ I think anybody can join as a member and he should be admitted by the Society.”

SRI T. PURUSHOTHAM:—“ Would not the Government consider the possibility of transferring the work to the Animal Husbandry department, in which case we would have the entire work of the Society for the Prevention of Cruelty to Animals under the control of the Government? ”

THE HON. SRI C. SUBRAMANIAM:—“ This is now being done by the Society. I do not think we should take it over now.”

SRI T. PURUSHOTHAM:—“ May I know what steps the Government would take to prevent cruelty to ignorant villagers by the subordinate officials of the Society for Prevention of Cruelty to Animals especially in the mufassal centres? ”

THE HON. SRI C. SUBRAMANIAM:—“ We received complaints from the Coimbatore district and we have appointed a Committee to go into this matter and submit proposals to the Government.”

SRI T. PURUSHOTHAM:—“ May I point out that there have been similar complaints in the Chingleput district also, and may I request the Hon. Minister to appoint a Committee generally for enquiry about all districts? ”

THE HON. SRI C. SUBRAMANIAM:—“ The proposals which will be submitted by the Committee appointed for the Coimbatore district would be applied to other districts also.”

Hardship caused to Indian citizens to go to French Indian Settlements by the existence of the permit system.

* 76 Q.—SRI V. GURUNANDAN ROW: Will the Hon. the Minister for Finance and Education be pleased to state—

(a) whether it is a fact that the citizens of Madras State who wish to go to Pondicherry and other French Indian Settlement are experiencing great hardship due to the introduction of the permit system;

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(b) whether the Government of India have consulted this Government regarding the permit system; and

(c) if so, the reply given by the State Government?

THE HON. SRI C. SUBRAMANIAM :—“(a) Some inconvenience is inevitable in any permit system, but no cases of serious hardship have been brought to the notice of the Government.

“(b) & (c) The Government consider that it is not in the public interest to give the information asked for.”

Number of Ministers residing in Government quarters.

* 77 Q.—SRI V. GURUNANDAN ROW : Will the Hon. the Minister for Finance and Education be pleased to state the number of the Ministers who are residing in Government quarters and the number and names of the Ministers who are receiving house rent allowance in cash?

THE HON. SRI C. SUBRAMANIAM :—“Three Ministers are now residing in Government quarters. The following five Ministers including the Chief Minister are receiving the house rent allowance of Rs. 250 per mensem :—

(1) Sri K. Kamaraj Nadar,

(2) „ M. Bhaktavatsalam,

(3) „ C. Subramaniam,

(4) Raja Sri Shanmuga Rajeswara Sethupathi, and

(5) Sri B. Parameswaran.”

Number of Juvenile Courts in the Madras State.

* 78 Q.—SRIMATHI MARY C. CLUBWALA JADHAV : Will the Hon. the Minister for Finance and Education be pleased to state—

(a) the number of Juvenile Courts in the Madras State, the position of these Juvenile Courts and whether the Government have any programme for expansion of these Courts in all districts of the State; and

(b) whether the Government have any proposal to appoint Honorary Lady Magistrates in the State for this work?

THE HON. SRI C. SUBRAMANIAM :—“(a) Six; at Madras, Vellore, Madurai, Tiruchirappalli, Kozhikode and Salem.

“(b) There is no definite programme of expansion but the Government are always ready to consider the desirability of setting up such courts wherever statistics would justify such a course.

“(b) There is no such specific proposal, but as far as possible, women are being appointed as Magistrates for this work.”

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Number of Certified Schools for boys and girls in Madras State.

* 79 Q.—SRIMATHI MARY C. CLUBWALA JADHAV: Will the Hon. the Minister for Finance and Education be pleased to state—

(a) the number of Certified Schools for boys and girls in Madras State;

(b) the number of private Certified Schools in Madras State;

(c) the number of creches in the Presidency Jail for Women, Vellore; and

(d) whether the Government have any proposal to open more Certified Schools and take in more certified children?

THE HON. SRI C. SUBRAMANIAM:—“(a) Fifteen.

“(b) Ten.

“(c) One.

“(d) The Government have indicated to the Chief Inspector of Certified Schools and Vigilance Service that they would be prepared to consider proposals to open additional Certified Schools provided suitable accommodation is found. The question of acquiring certain properties in Ullal village in Mangalore taluk, South Kanara district, belonging to the late Sri Albuquerque with a view to open a Certified School there, is under consideration.”

SRIMATHI MARY C. CLUBWALA JADHAV:—“Is the Hon. Minister aware that the Certified Schools are overcrowded?”

THE HON. SRI C. SUBRAMANIAM:—“I am aware of it and that is why, we are prepared to open more schools provided accommodation is available.”

Retention of the present staff in the Raja Sethupathi Government High School, Paramakkudi.

* 80 Q.—SRI G. KRISHNAMOORTHY: Will the Hon. the Minister for Finance and Education be pleased to state—

(a) whether any representations have been received by the Government on behalf of the staff of the Raja Sethupathi Government High School, Paramakkudi, requesting for retention of the present staff in the school even after 1st June 1954; and

(b) if so, the orders passed thereon?

THE HON. SRI C. SUBRAMANIAM:—“(a) Yes, Sir.

“(b) The matter is under consideration.”

SRI T. PURUSHOTHAM:—“May I know whether these teachers had not been given definite assurance by the Government that they would be absorbed in the Government service when this school was taken over by the Government?”

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THE HON. SRI C. SUBRAMANIAM :—" On the other hand, they were definitely made to understand that they would not be absorbed in the Government service."

SRI T. PURUSHOTHAM :—" Do not these teachers possess the same qualifications as for Government service and if so, why the experienced teachers of local boards should have been sent away and not absorbed in the Government service? "

THE HON. SRI C. SUBRAMANIAM :—" For recruitment to the Government service, there is a definite procedure laid down. These people were temporarily recruited when we took over this school for our purpose and they were retained for two years. They were told at the time of the taking over of the school that they would be retained for only two years."

SRI T. PURUSHOTHAM :—" Sir, when other departments like the Highways were taken over by the Government, were not the local board establishments taken over by Government and why the same rule has not been followed in the case of the teachers of local board schools taken over by the Government? "

THE HON. SRI C. SUBRAMANIAM :—" Here, the department has not been taken over but only a few schools."

SRI G. KRISHNAMOORTHY :—" Am I to infer from the reply of the Hon. Minister that these teachers have not been posted to various district board schools as per the original idea? "

THE HON. SRI C. SUBRAMANIAM :—" With reference to Paramakudi, the Special Officer has stated certain difficulties in absorbing these personnel. His report is still under the consideration of the Government."

SRI G. KRISHNAMOORTHY :—" Will the Government give an assurance that this school at least would be treated on a separate footing in view of the difficulties experienced by the Special Officer? "

THE HON. SRI C. SUBRAMANIAM :—" That is why I said it is under the consideration of the Government. I cannot give an assurance."

11-30
a.m.

SRI T. PURUSHOTHAM :—" Will the Government assure themselves that all these teachers have been absorbed in district board service and that none of them has been left in the streets? "

THE HON. SRI C. SUBRAMANIAM :—" Sir, if anybody has been left in the streets, it may be brought to the notice of the Government and we shall see how far we could tackle that problem."

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Periods of work for First-grade Pandits in higher forms.

* 81 Q.—SRI G. KRISHNAMOORTHY: Will the Hon. the Minister for Finance and Education be pleased to state with reference to Starred Legislative Council Question No. 15 answered on 29th December 1953, whether Government have issued any orders relaxing the limit to the minimum number of periods of work for eligibility to Grade I scales of pay in the case of Language Pandits?

THE HON. C. SUBRAMANIAM:—"Recently permission has been granted to study Hindi as a Part II language in the higher forms and its effect is proposed to be watched."

SRI G. KRISHNAMOORTHY:—"Sir, may I submit that the answer has no connection with the question. The question is with regard to the minimum number of periods of work for eligibility to Grade I scale of pay, namely, that they should work for 26 periods in higher forms."

THE HON. SRI C. SUBRAMANIAM:—"Sir, 17 hours of work has been prescribed for classification as a Grade I Pandit. We have now given permission to teach Hindi as a Part II language in the higher forms. This means that the Hindi Pandits would have some more periods of work available for them. This is the relevancy."

SRI G. KRISHNAMOORTHY:—"Sir, may I know why the Government have not implemented the assurance given on the floor of this House that the number of periods which make the Pandits eligible for the I Grade scale of pay would be reduced?"

THE HON. SRI C. SUBRAMANIAM:—"Sir, the assurance given was that the Government would consider the suggestion whether it would be necessary to relax the rules for the purpose of classifying these Pandits as Grade I Pandits even though they might not have 17 hours of work every week. But, we have now made provision for the teaching of Hindi as a Part II language as a result of which they are likely to have a greater number of periods of work which may make up the required 17 hours of work. We will watch the effect of this and, if necessary, we will consider the question of relaxation of the rule."

SRI G. KRISHNAMOORTHY:—"Sir, may I know how the teaching of Hindi as a Part II language is going to increase the number of periods of work of the Tamil Pandits?"

THE HON. SRI C. SUBRAMANIAM:—"Sir, I am answering the supplementaries only with reference to the Hindi Pandits."

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SRI G. KRISHNAMOORTHY :—“ Sir, may I just inform the House that the rule regarding 26 periods of work is with reference to all Pandits, Tamil, Sanskrit and Hindi and with reference to Hindi Pandits this cannot apply at all even if the new rule regarding the teaching of Hindi as a Part II language is enforced? The question is with reference to all Pandits and the assurance given was with reference to the Tamil and Sanskrit Pandits.”

THE HON. SRI C. SUBRAMANIAM :—“ I thought the question referred to Hindi Pandits only. A separate question may be put with reference to other Pandits.”

Opening of a High School at Beltangady, South Kanara district.

* 82 Q.—SRI G. KRISHNAMOORTHY : Will the Hon. the Minister for Finance and Education be pleased to state—

(a) whether any proposal was made to the Government recently by the South Kanara District Board to open a High School at Beltangady, Puttur taluk, South Kanara district;

(b) whether any objection has been raised by any High School in the near locality; and

(c) if so, what action the Government have taken in the matter?

THE HON. SRI C. SUBRAMANIAM :—“ (a) & (b) Yes, Sir.

“ (c) The proposal for the opening of a high school at Beltangady has not been approved.”

SRI G. KRISHNAMOORTHY :—“ Sir, may I know whether the proposal of the district board has been finally dropped by the Government and the representations made by the aided high school there has been taken into consideration by the Government? ”

THE HON. SRI C. SUBRAMANIAM :—“ Sir, there is another high school within a distance of three and a half miles. It was therefore not considered necessary to open a high school at Beltangady especially in view of the financial position of the district board; but, we have also given sanction for the opening of a high school at Trikarpur.”

SRI G. KRISHNAMOORTHY :—“ Sir, may I know the distance between Beltangady and Trikarpur? ”

THE HON. SRI C. SUBRAMANIAM :—“ Sir, I want notice.”

Handling of Mathematics by B.Sc.s. in V and VI Forms.

* 83 Q.—SRI G. KRISHNAMOORTHY : Will the Hon. the Minister for Finance and Education be pleased to state—

(a) whether the Government have issued any orders declaring in B.Sc.s. with Physics (Main) and Mathematics and Chemistry

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subsidiary subjects as ineligible to handle Mathematics in V and VI Forms; and

(b) if so, the reasons therefor?

THE HON. SRI C. SUBRAMANIAM :—“(a) Yes, Sir.

“(b) Teachers handling Mathematics in Forms V and VI should be graduates, who have taken Mathematics as the main subject during their degree course.”

SRI G. KRISHNAMOORTHY :—“Sir, when ordinary S.S.L.Cs. are allowed to handle Mathematics in the III Form, why graduates holding the B.Sc. degree, who had studied Mathematics in the Intermediate and who have had teaching practice in the L.T. Class in Mathematics should not be allowed to handle Mathematics in the V and VI Forms?”

THE HON. SRI C. SUBRAMANIAM :—“Sir, it is necessary that Mathematics teachers should have a higher knowledge of Mathematics and that is why this rule has been prescribed but where qualified candidates are not available, we are relaxing the rule and allow B.Sc. degree-holders with Mathematics as subsidiary subject to teach Mathematics.”

SRI G. KRISHNAMOORTHY :—“Sir, may I know whether the Government are aware of the fact that by this rule that persons holding B.Sc. degrees with Physics as the main subject and Chemistry and Mathematics as subsidiary subjects and who have been in charge of teaching Elementary Mathematics as well as Composite Mathematics will be affected and whether the Government will relax the rule in their favour?”

THE HON. SRI C. SUBRAMANIAM :—“Sir, where qualified candidates with Mathematics as the main subject in their degree course are available, I do not think it will be possible or desirable to relax the rule.”

SRI G. KRISHNAMOORTHY :—“Sir, are the Government aware of the fact that, if this rule is brought into effect irrespective of the fact whether the persons have already been teaching Mathematics or not, many teachers will be affected and juniors will be replacing seniors?”

THE HON. SRI C. SUBRAMANIAM :—“Sir, as a general rule relaxations are given only for short periods as a temporary measure. If the suggestion of the hon. Member is accepted no relaxation could be given at any time because it amounts to saying that once a relaxation is made in favour of a person who is now teaching Mathematics, it should be continued for ever.”

SRI G. KRISHNAMOORTHY :—“Sir, may I bring to the notice of the Government that any new rule should not affect the teachers already in service? In view of this, will the Government be pleased to reconsider the matter?”

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THE HON. SRI C. SUBRAMANIAM :—" Sir, this is a very old rule."

Opening of milkman colonization schemes in the City of Madras.

* 84 Q.—SRI M. ETHIRAJULU : Will the Hon. the Minister for Finance and Education be pleased to state whether there is any proposal to open milkman colonization schemes in the City of Madras?

THE HON. SRI C. SUBRAMANIAM :—" None at present. But the Expert Committee constituted to report on the future working of the Government Milk Factory has made a recommendation regarding the establishment of milk colonies. The report is separately under consideration."

SRI M. ETHIRAJULU :—" Sir, may I know the number of Milk Supply Unions in the State? "

THE HON. SRI C. SUBRAMANIAM :—" Sir, this question may be addressed to the Hon. Minister in charge of Co-operation."

SRI M. ETHIRAJULU :—" Sir, may I know whether the Government have any proposals to nationalize the Madras Co-operative Milk Supply Union? "

THE HON. SRI C. SUBRAMANIAM :—" Sir, I do not see why a co-operative institution should be nationalized. I think a co-operative institution is a nationalized institution."

Number of posts of Revenue Divisional Officers filled up from 1948-49 to 1952-53.

* 85 Q.—SRI K. N. PALANISWAMI GOUNDER : Will the Hon. the Minister for Land Revenue be pleased to state the number of posts of Revenue Divisional Officers filled up every year from 1948-49 to 1952-53 and how many of these by direct recruitment?

THE HON. SRI M. A. MANICKAVELU NAICKER :—" There is no separate recruitment to the posts of Revenue Divisional Officers. Deputy Collectors and I.A.S. Officers are posted as Revenue Divisional Officers. It is presumed that the Member wants particulars regarding the recruitment of Deputy Collectors. By transfer, 52 Tahsildars were appointed as Deputy Collectors in 1948, 37 in 1949-50, and 19 in 1951. By direct recruitment, 10 persons were appointed in 1949, 6 in 1950 and 3 in 1953."

* 86 Q.—THE HON. SRI B. PARAMESWARAN :—" Sir, this question may be taken up tomorrow."

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Refusal to grant non-residential scholarships to Harijan students in S. K. T. Gandhi Secondary School, Rayavaram.

* 87 Q.—SRI G. KRISHNAMOORTHY: Will the Hon. the Minister for Registration, Endowments and Transport be pleased to state the reasons for refusal to grant non-residential scholarships for 1953–54 applied for on behalf of certain Harijan students in S. K. T. Gandhi Secondary School, Rayavaram, Tiruchirappalli district?

THE HON. SRI B. PARAMESWARAN :—“ As the applications for the scholarships were not received by the Collector of Tiruchirappalli, scholarships could not be sanctioned to these students. The Headmaster of the school was also informed of the position and asked to send fresh applications by the beginning of this year.”

SRI G. KRISHNAMOORTHY :—“ Sir, may I know whether the Government are aware of the fact that this school was denied these scholarships for two successive years before 1952–53? ”

THE HON. SRI B. PARAMESWARAN :—“ Sir, the school was denied the scholarships because the forms were not received in time.”

SRI G. KRISHNAMOORTHY :—“ Sir, may I ask whether the Government are aware that the reasons given to the school in writing by the District Harijan Welfare Officer were two, namely, lack of funds and delay in making the applications? May I also submit that the delay was due to the District Harijan Welfare Office not sending the applications in time? ”

THE HON. SRI B. PARAMESWARAN :—“ The scholarships were denied in the first year due to lack of funds and in the second year it was due to the applications not being received in time.”

SRI G. KRISHNAMOORTHY :—“ May I know to whom the applications are to be sent? Are they to be sent to the District Harijan Welfare Officer or the District Collector or the Director of Harijan Welfare? ”

THE HON. SRI B. PARAMESWARAN :—“ So far as the districts are concerned, the applications have to be sent to the District Collector.”

SRI G. KRISHNAMOORTHY :—“ Sir, may I know the amount of the grant for Harijan non-residential scholarships in regard to Tiruchirappalli district? ”

THE HON. SRI B. PARAMESWARAN :—“ Sir, it depends upon the number of students and varies from district to district.”

SRI G. KRISHNAMOORTHY :—“ Sir, may I know whether according to Government's policy there is a progressive increase in the allotment for Harijan non-residential scholarships? ”

THE HON. SRI B. PARAMESWARAN :—“ Yes, Sir.”

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SRI G. KRISHNAMOORTHY :—“ Sir, may I know whether the Director of Harijan Welfare will be instructed by the Government to see that the amounts that lapse for want of applications are adjusted in other districts where they are refused either for delay in receipt of applications or for some other reason? ”

THE HON. SRI B. PARAMESWARAN :—“ Sir, I am not sure about it but the suggestion of the hon. Member will be examined.”

Issue of medical certificates for liquor permits.

* 88 Q.—DR. A. SREENIVASAN : Will the Hon. the Minister for Registration, Endowments and Transport be pleased to state—

(a) who are the persons authorized by the Government to issue medical certificates for liquor permits;

(b) the reason for excluding honorary medical officers from such authority; and

(c) the number of such certificates issued after the date on which honorary medical officers were denied the power to issue these certificates?

THE HON. SRI B. PARAMESWARAN :—“ (a) Paid medical officers not below the rank of Civil Surgeons.

“ (b) On grounds of administrative convenience, certificates from paid Civil Surgeons only are accepted for issuing liquor permits.

“ (c) Eight hundred and ninety-four (up to 31st May 1954). ”

11-40
a.m.

DR. A. SREENIVASAN :—“ May I know from the Hon. Minister the reason why honorary medical officers holding the rank of Civil Surgeon are denied the privilege of issuing certificates for liquor permits? ”

THE HON. SRI B. PARAMESWARAN :—“ On administrative grounds.”

DR. A. SREENIVASAN :—“ By giving a monopoly to the Civil Surgeons in Government service do not the Government defeat the object for which honorary medical officers are appointed and do the Government know that the largest number of permits have been issued by some of the Civil Surgeons in the City of Madras? ”

THE HON. SRI B. PARAMESWARAN :—“ Government do not consider it a monopoly. I do not agree with the hon. Member in regard to the second part of the question, namely, that the number of applicants for permits have increased.”

DR. A. SREENIVASAN :—“ May I know from the Hon. Minister whether the Collector of Madras has written to the Hon. Minister about a Civil Surgeon in Madras having given a certificate to a sick person of 21 years of age who is supposed to have suffered from anæmia and sleeplessness and that liquor was absolutely

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essential for his well being? As a doctor of some years standing may I inform the Hon. Minister that for treatment of cases of anæmia liquor is not prescribed? "

THE HON. SRI B. PARAMESWARAN :—" The hon. Member may draw his own inference in the particular case."

DR. A. SREENIVASAN :—" Does the Hon. Minister know that the fee for issue of certificates varies inversely with the age of the applicant? "

THE HON. SRI B. PARAMESWARAN :—" The hon. Member may repeat the question as it is not heard clearly due to too much noise."

DR. A. SREENIVASAN :—" The Hon. Chairman wanted me to speak through the mike. I am loud enough to be heard by all Members without a loud speaker."

" May I know whether the Hon. Minister is aware of the fact that the fee for issue of certificates varies inversely with the age of the applicant—(interruption)—which means younger the age, bigger the fee and older the age, smaller the fee? "

THE HON. SRI B. PARAMESWARAN :—" The hon. Member himself has answered the question."

Construction of " de luxe " State bus for special sight-seeing tours and excursions.

* 89 Q.—SRI T. PURUSHOTHAM: Will the Hon. the Minister for Registration, Endowments and Transport be pleased to state—

(a) whether the Government have ordered the construction of a " de luxe " State bus for special sightseeing tours and excursions;

(b) if so, the estimated cost of the special bus;

(c) whether the Central Government have agreed to bear a portion of the cost of this scheme for the development of tourist traffic and if so, how much; and

(d) at what stage the proposal stands?

THE HON. SRI B. PARAMESWARAN :—" (a) No Sir.
" (b) to (d) Do not arise."

SRI T. PURUSHOTHAM :—" May I know whether the Government will take up this matter with the Central Government in view of the importance of developing tourist traffic? "

THE HON. SRI B. PARAMESWARAN :—" Because it is not economic, the Government of Madras have dropped the suggestion made by the Government of India."

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SRI T. PURUSHOTHAM :—“ May I know whether the State Government will take any steps to provide special or at least better type of buses for tourists than the ordinary type of buses we are now having in the city? ”

THE HON. SRI B. PARAMESWARAN :—“ Government are satisfied that they are giving necessary facilities and conveniences for passengers who travel from here to Mahabali-puram and such other places. I do not think it is possible to take up the suggestion of the hon. Member now.”

Stoppage of payment of house-rent allowance to the employees of municipalities.

* 90 Q.—SRI G. KRISHNAMOORTHY : Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether any municipality has applied to the Government for permission to stop payment of house-rent allowance to their employees from 1954-55; and

(b) if so, the action taken by the Government in the matter?

THE HON. SRI S. S. RAMASWAMI PADAYACHI :—“ (a) No, Sir.

“ (b) Does not arise.”

SRI G. KRISHNAMOORTHY :—“ May I know whether the Rasipuram Municipality in Salem district has applied to the Government for permission to stop payment of house-rent allowance to their employees? ”

THE HON. SRI S. S. RAMASWAMI PADAYACHI :—“ No, Sir.”

Nomination of Special Councillors to the Corporation of Madras.

* 91 Q.—DR. A. SREENIVASAN : Will the Hon. the Minister for Local Administration be pleased to state—

(a) the purpose in nominating Special Councillors to the Corporation of Madras; and

(b) how many have been nominated as Special Councillors to the City Council from 1st April 1950 and who are they?

THE HON. SRI S. S. RAMASWAMI PADAYACHI :—“ (a) Persons having special knowledge or experience of any subject relating to the municipal administration are appointed as special councillors on the Corporation Council to advise it on such subject, whenever necessary.

“ (b) The following persons were appointed as special councillors since 1st April 1950 :—

(1) Sri S. Rajagopalan, Sanitary Engineer.

(2) Dr. R. Subramaniam, Director of Public Health, Madras.

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(3) Dr. T. Lakshminarayana, Director of Public Health, Madras.

(4) Sri A. Raghava Reddi, Chairman, Madras City Improvement Trust.

(5) Dr. K. S. Viswanathan, Director of Public Health, Madras.

(6) Dr. Adi Subramaniam, Director of Public Health, Madras.

(7) Sri Salahuddin Ahmed, acting Chairman, Madras City Improvement Trust.

(8) Capt. D. Gnanaolivu, Chairman, Madras City Improvement Trust."

SRI T. PURUSHOTHAM :—" May I know from the Hon. Minister whether these special councillors of the City Corporation have got the right of vote at the Corporation meetings, election of Mayor, M.L.C. election, etc."

THE HON. SRI S. S. RAMASWAMI PADAYACHI :—" No Sir."

DR. A. SREENIVASAN :—" May I inform the Hon. Minister that these people did not attend a meeting at a time when their experience would have been of great use, especially when Government had spent so much money? "

MR. CHAIRMAN :—" Questions should be asked for eliciting information and not for giving information."

UNSTARRED QUESTIONS.

Use of radios by the patients occupying the special wards of the Government hospitals in the City of Madras.

6 Q.—DR. A. SREENIVASAN : Will the Hon. the Minister for Health be pleased to state—

(a) whether radios are used by the patients, who occupy the special wards of the Government hospitals in the City of Madras; and

(b) if so, on whose authority the use of radios is permitted in the special wards?

A.—(a) Yes, Sir, in a few cases in the Government General Hospital and in the Government Ophthalmic Hospital, Madras, where the use of the radio is considered beneficial to the patient.

(b) Radios are used with the permission of the Dean and the Superintendent of the hospitals, respectively.

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Amalgamation of preventive and curative sides of the Medical Services.

7 Q.—DR. A. SREENIVASAN : Will the Hon. the Minister for Health be pleased to lay on the table of the House a statement showing the stage by stage progress made by this Government from the inception up to date, of the proposal to amalgamate the preventive and curative sides of the Medical Services?

A.—The policy of the Government has been to co-ordinate the activities of the Medical and Public Health departments and not to amalgamate the two departments.

Officers responsible for the sanitation in the hospitals in the City of Madras.

8 Q.—DR. A. SREENIVASAN : Will the Hon. the Minister for Health be pleased to state—

(a) who is immediately responsible for the sanitation in the hospitals in the City of Madras;

(b) whether it is a fact that the general sanitation in the City hospitals is far from satisfactory; and

(c) if so, what steps the Government propose to take to improve the sanitation of the City hospitals?

A.—(a) The Deputy Superintendent in the Mental Hospital, the Director of the Tuberculosis Institute, Egmore, and the Resident Medical Officers in the other hospitals in the City are responsible.

(b) & (c) The general sanitation in the City hospitals cannot be said to be unsatisfactory. Efforts are being made to keep the hospitals clean. One of the steps recently taken towards this end has been to restrict the number of visitors to the hospitals in the evenings by issuing passes.

Reports submitted by the Special Agricultural Demonstrators.

9 Q.—SRI T. PURUSHOTHAM : Will the Hon. the Minister for Registration, Endowments and Transport be pleased to state—

(a) whether the Special Agricultural Demonstrators appointed by the Government have submitted any reports for suggesting ways and means of improvements of landed properties of the religious institutions; and

(b) if so, what action has been taken yearly on their suggestions and whether statistical figures on the improvements are reported to Government through the Deputy Commissioner and the Commissioner?

A.—(a) Special Agricultural Demonstrators appointed by the Government to investigate in detail the scope of increased cultivation of the lands belonging to Hindu

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religious institutions functioned till the end of the year 1948. They submitted reports suggesting ways and means for improvement of landed properties of religious institutions in the matter of both extensive and intensive cultivation and increase of production, etc.

(b) The suggestions made by the Special Agricultural Demonstrators were considered by the ex-Hindu Religious Endowments Board as and when their reports were received and suitable directions issued to the executive authorities of the institutions concerned to carry out their suggestions and report the action taken. Till 30th September 1951 the Assistant Commissioners were submitting periodical reports on the improvements effected and they were incorporated in the annual and bi-annual reports and in the fasli-wise administration reports of the ex-Hindu Religious Endowments Board. These administration reports were reviewed by the Government. The submission of these annual and bi-annual reports was discontinued after 30th September 1951 consequent on the decentralization and the vesting of the administration of the institutions in the Deputy Commissioners, Area Committees and Assistant Commissioners.

Sanction of 1363 fasli budgets of many temples in Tiruchirappalli district.

10. Q.—SRI T. PURUSHOTHAM: Will the Hon. the Minister for Registration, Endowments and Transport be pleased to state—

(a) whether the 1363 fasli budgets of many temples in Tiruchirappalli district have been sanctioned; and

(b) if not, what steps the Government have taken to ensure the passing of the budgets by appropriate authorities in time?

A.—(a) The position as on 1st March 1954 was—

(1) Out of the 13 religious institutions in the Tiruchirappalli district under the jurisdiction of the Deputy Commissioner, Hindu Religious and Charitable Endowments (Administration) Department, Tiruchirappalli, budgets for fasli 1363 were received from 12 institutions and sanctioned. The budget in respect of the remaining one institution was not received, as a suit was pending in the District Court, Tiruchirappalli, claiming that the institution concerned was a private one.

(2) Out of 862 institutions in the district under the jurisdiction of the Area Committee, budgets for fasli 1363 were received only in respect of 255 institutions. Of these 253 were sanctioned and two were pending sanction. Budgets were still due from 607 institutions.

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(b) The Commissioner, Hindu Religious and Charitable Endowments (Administration) Department has issued adequate instructions to the Deputy Commissioners and Assistant Commissioners to obtain and sanction budgets from the religious institutions in time. The progress made in the matter is reported by them to the Commissioner, in their monthly and quarterly business returns which are reviewed by the Commissioner. Instructions have also been issued to the Deputy Commissioners and Assistant Commissioners to take disciplinary action against defaulting trustees wherever necessary.

III.—MESSAGES FROM THE ASSEMBLY.

MR. CHAIRMAN :—“ I have to announce to the House that I have received the following messages, dated the 7th and 11th August 1954, from the Hon. the Speaker, Madras Legislative Assembly :—

‘ (1) In accordance with rule 99 of the Madras Assembly Rules, I transmit a copy of the Madras Hindu Religious and Charitable Endowments (Amendment) Bill, 1954 (L.A. Bill No. 27 of 1954), as passed by the Assembly on the 7th August 1954 and signed by me, for the concurrence of the Council.

(2) In accordance with rule 99 of the Madras Assembly Rules, I transmit a copy of the Bhavanisagar Township Bill, 1954 (L.A. Bill No. 28 of 1954), as passed by the Assembly on the 7th August 1954 and signed by me, for the concurrence of the Council.

(3) In accordance with rule 99 of the Madras Assembly Rules, I transmit a copy of the Madras Public Libraries (Amendment) Bill, 1954 (L.A. Bill No. 29 of 1954), as passed by the Assembly on the 7th August 1954 and signed by me, for the concurrence of the Council.

(4) In accordance with rule 99 of the Madras Assembly Rules, I transmit a copy of the Madras District Boards (Second Amendment) Bill, 1954 (L.A. Bill No. 31 of 1954), as passed by the Assembly on the 11th August 1954 and signed by me, for the concurrence of the Council.’ ”

IV.—GOVERNMENT BILLS.

(1) THE MADRAS INSTALLATION OF OIL ENGINES (TEMPORARY PERMISSION) BILL, 1954.

* THE HON. SRI A. B. SHETTY :—“ Mr. Chairman, Sir, I beg leave to introduce the Madras Installation of Oil Engines (Temporary Permission) Bill, 1954* (L.C. Bill No. 9 of 1954) and move—

‘ That the Bill be taken into consideration at once.’

“ Sir, the Statement of Objects and Reasons explains the need for this Bill. The Bill makes statutory provision for granting temporary permission for the installation in any premises, whether

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in a residential area or not, of machinery or other manufacturing plant driven by steam or other power and it also validates the temporary permissions already granted in pursuance of the order issued by the Government. This Bill is a very simple piece of legislation and I hope hon. Members will pass this legislation."

MR. CHAIRMAN :—" Motion moved—

' That the Madras Installation of Oil Engines (Temporary Permission) Bill, 1954 (L.C. Bill No. 9 of 1954), be taken into consideration at once.' "

* DR. V. K. JOHN :—" Mr. Chairman, Sir, this Bill looks very innocent but it is not as innocent as it looks. First of all, the assumption is that the Government have passed some orders which were not warranted by law. Some orders were passed by Government in 1953. Now this Bill is introduced by the Government to validate illegal orders or orders which were issued illegally by them. The Hon. Minister who moved the Bill has not told us why the Government issued these illegal orders and why it has become necessary to validate those orders. My real complaint is that this Bill is unnecessary. If the Hon. Minister examines the provisions of the City Municipal Act, 1919, the District Municipalities Act, 1920, and the Local Boards Act, 1920—Sections 287 and 288 and Schedule VI of the City Municipal Act, sections 249 and 250 and Schedule V of the District Municipalities Act and sections 193 and 194 and Schedule VI of the Local Boards Act—he will find the required powers for issuing licenses already provided for. But, Sir, I would like to suggest to the Hon. Minister and those who advise the Government to make it a point to study the Constitution of India. No permission is required for installing a machine to generate power because under Article 19 (g) of the Constitution every citizen is entitled to practise any profession or to carry on any occupation, trade or business. No doubt, the Government or local body can impose reasonable restrictions in the public interest. The permission of the local body is not necessary to carry on any business, occupation or trade. It is for the local body to impose certain restrictions which are necessary in the interests of the public and such restrictions ought to be reasonable. This Bill seeks to provide for the grant of temporary permissions to persons wanting to carry on a trade. But it is absolutely silent on the question as to what reasonable restrictions should be placed to install the machinery to generate power. What we must provide for is to impose reasonable restrictions in the interests of the public for installing the machinery for generating power, but not to grant permission to install the machinery for generating power which is given under Article 19 of the Constitution of India. I request the Hon. Minister to refer these matters to somebody who knows the law on the subject so that the time of the House may not be taken up unnecessarily and we would have to face the discredit that we are passing laws in utter ignorance of the existing laws and particularly the Constitution of India. The District Municipalities

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Act, 1920, the Local Boards Act, 1920 and the City Municipal Act, 1919, provide for power in the executive to grant licences and that permission will be valid for one year only. It is in sheer ignorance of law that this Bill has been introduced and it is also sheer waste of time. What the Government should have done is to introduce a Bill imposing reasonable restrictions on the rights granted by Article 19 of the Constitution to carry on any occupation, trade or business. There is no provision in this Bill which imposes reasonable restrictions on the right guaranteed by the Constitution of India."

* SRI K. BHASHYAM :—" Mr. Chairman, Sir, in a simple and innocent Bill like this, the Hon. the Deputy Leader of the Opposition has found so much material for a big lecture on constitutional law. It is not at all necessary in the present case. I take what he says to be correct, namely, that the sections he quoted from the Local Boards Act and the District Municipalities Act apply to the present case. The restrictions for the purpose of issuing licences are already there. Those restrictions are being removed in respect of certain matters. This Bill seeks to validate the temporary permissions already granted by the local authorities in pursuance of the orders issued by the Government and therefore this legislation is necessary. I do not agree with the Deputy Leader of the Opposition that this measure is unnecessary. I also do not agree with him as regards the constitutional aspects pointed out by him. But I do agree that it is necessary for the Government to consult the Legal Department in all cases and take their advice. Perhaps, in very many cases it is being done. Even Article 19 (g) of the Constitution referred to by the hon. Member, Dr. V. K. John, is subject to restrictions. Those restrictions are really placed on the Statute Book. The restrictions can be made effective only by saying that a licence is necessary for the purpose. How are we to express the restrictions? We may express the restrictions in some form in some statute and this statute mentions this, namely, that one must take the licence with all the restrictions noted on the back of the licence. Therefore, there is no question of constitutional impropriety or want of authority so far as the various sections of the Bill are concerned. While I endorse the appeal made by the hon. the Deputy Leader of the Opposition that the Government should consult their Legal Department in respect of any legislation that comes up before this House, I do feel that in the present case there is no such necessity, as this is a simple matter.

" However, I would like to stress only one point on my own behalf. It is to meet a sort of temporary emergency that these permissions have been given to issue the licences in question. We have thermal stations in residential quarters. They are most injurious to health. In fact, there have been cases in Courts where heavy damages have been awarded for installing such machinery. Even in Madras City it has been done. Therefore, the installation

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of thermal stations in residential quarters is dangerous to the public health. If it was done in the interests of a particular person who owns the mill, it has been done to the detriment of the health of the general public. It ought not to have been done. The Government must provide for certain restrictions. They must restrict the hours of work, etc. Of course, all that might have been done. Still, I venture to question the wisdom of allowing these to be installed in residential areas. Even if there is drought or want of enough electrical energy for running the mills, this method of getting over the difficulty by giving permission to install machinery in residential areas is most reprehensible. This is my view. I request the Government to think over the matter and see whether they can do anything."

* SRI G. KRISHNAMOORTHY:—"Mr. Chairman, Sir, the object of this Bill, as I can gather, is to legalize the permission already given by the local boards for the installation of various oil engines in residential localities. I do not know whether the Government are ultimately aiming at granting permission permanently by just authorizing through this Bill the grant of temporary permission each year. There is no time-limit for the temporary permission excepting for the fact that the permission should last for a year. But there is no restriction imposed on the municipalities or local boards that the permission should be continued for a certain number of years or should be withheld after a certain number of years. It is something like a permanent permission for the installation of oil engines in residential areas. I do not know whether the Government would not be well advised in just inserting a clause insisting on the oil engines to use electric power before the grant of the next year's licence. Now that we have had copious rains recently, we can insist upon the replacement of these oil engines, which are noisy, by electric motors and we can amend this Bill in such a way that some sort of enquiry is made or some convincing explanation is obtained from the person who requires the licence to the effect that he had no facility to substitute electric power for oil power before the renewal of the licence.

"I welcome the introduction of cottage industries even in residential localities using electric power. But I would request the Hon. Minister to enlighten me as to the number of mills that are run with oil engines in these areas that has necessitated the bringing in of this measure. I also want to know, whether the oil engines cannot be converted into electric power engines and whether the Government have any idea of allowing the industrialists to install electric power engines of one to five horse power and manufacture goods on the Japanese model.

"Sir, some months ago I requested the Hon. Minister to make a statement on the policy the Government proposed to adopt in this matter. Now, I again request him to make a statement on the policy the Government are going to adopt to encourage cottage industries. In this connexion, I would like to point out to the

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Government that it is high time they introduced in this country similar industries as are flourishing in Japan, such as making of clips, pins and coir products by men and women in the household at very little cost and at their leisure and make them available to the people at cheap rates. I only want the Government to make a statement as to what their policy is in respect of this matter and how best they can make use of this Bill authorizing the installation of mills and factories in residential areas for this purpose."

SRI V. CHAKKARAI CHETTY :—" Sir, I am unable to understand the rationale behind this Bill. There are certain provisions for example in the City Municipal Act, 1919, by which it is possible for an enterprising mill owner to do a thing that has been attempted to be made valid under the Bill. Of course there is the opinion of the Commissioner and he may refuse it. In that case there is an appeal to the Standing Committee. By this validation do the Government want to over-rule the powers of the Standing Committee and vest the power in the Commissioner? Are the Government to be entitled to give a blank cheque to the Commissioner to grant permission for the installation of mills wherever he thinks it necessary in spite of the fact that it may cause inconvenience to the residents of that locality? "

* THE HON. SRI A. B. SHETTY :—" Mr. Chairman, Sir, the Statement of Objects and Reasons explains and shows how there is no provision in the Madras City Municipal Act, 1919, or the Madras District Municipalities Act, 1920, or the District Boards Act, 1920, or the Madras Village Panchayats Act, 1950, for granting temporary permission for the installation of such oil engines. A difficult situation arose last year on account of the drought conditions and many mills and factories located in residential areas could not carry on their business. On account of such a situation arising, the Government considered the matter and gave permission to local bodies to allow the installation of oil engines in factories and mills located even in residential areas. This Bill has been considered very fully in the different departments of the Secretariat. The Legal Department also has given its full consideration to this Bill and, so far as I can see, the Bill is all right. I therefore think that this Bill serves the purpose for which it is intended. There is no need to go into all the issues referred to by hon. Members sitting opposite."

MR. CHAIRMAN :—" The question is—

' That the Madras Installation of Oil Engines (Temporary Permission) Bill, 1954 (L.C. Bill No. 9 of 1954), be taken into consideration at once.' "

The motion was carried.

The consideration of the Bill, clause by clause, was then taken up.

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Clause 2.

MR. CHAIRMAN :—“ The motion is—

‘ That Clause 2 do stand part of the Bill.’ ”

SRI M. ETHIRAJULU :—“ Mr. Chairman, Sir, I move—

‘ Add the following at the end of sub-clause (1) :—

“ provided the health and the peace of the locality are not in any way affected.” ’ ”

SRI A. GAJAPATHY NAYAGAR :—“ I second the amendment, Sir.”

MR. CHAIRMAN :—“ Amendment moved—

‘ Add the following at the end of sub-clause (1) :—

“ provided the health and the peace of the locality are not in any way affected.” ’ ”

SRI M. ETHIRAJULU :—“ கனம் தலைவர் அவர்களே, இம்மசோதாவை நான் ஆதரிக்கின்றேன். இம்மசோதாவின் இரண்டாவது ஷரத்து ஒன்றாவது பிரிவின் கடைசியில் நான் கொடுத்திருக்கும் திருத்தத்தை சர்க்கார் ஏற்றுக்கொள்ளவேண்டியது எவ்வளவு அவசியம் என்பதைப் பற்றி ஒரு சில வார்த்தைகள் சொல்ல விரும்புகிறேன்.

“ இன்றையதினம், எண்ணையால் இயங்கும் என்ஜின்களை மக்கள் வசிக் கும் பிரதேசத்தில் ஓடவிடுவதால் எத்தனை தீமைகள் உண்டாகிக்கொண் டிருக்கின்றன என்பது நம் எல்லோருக்கும் தெரியும். நகரசபைகளும், ஜில்லா போர்டு, பஞ்சாயத்து போர்டு ஆசயவைகளும் பொதுமக்களின் பொது சுகாதாரத்தைப் பாதிக்கும் என்று அலோசித்து இவ்விஷயத்தில் கவனம் செலுத்துவதாகவே தெரியவில்லை. அத்துடன், அவைகளின் சுகா தார அதிகாரிகளும் இவ்விஷயத்தில் சிரத்தை காட்டுவதில்லை. இப்பொழுது ஒரு வருஷத்திற்குதான் இந்த என்ஜின்களை ஓடவிட லைசென்ஸ் வழங்கப் படுமென்று சொல்லப்படுகிறது. பொதுவாக மிகளாய், சீயக்காய் போன்ற வைகளை அறைக்கும் ஒரு மிஷின் மக்கள் வசிக்கும் பிரதேசத்தின் மத்தியில் இருந்துவிட்டால் அந்தப் பிராந்தியத்தில் வசிப்பவர்களின் நாசி எறிச்சல் எடுத்துப் போவதோடு அவர்கள் சுவாசப்பையும் கெடும். அதோடு அந்த மிஷின் அறைக்கும்போது உண்டாகும் சப்தமானது அதைச் சுற்றிலுமுள்ள வீடுகளில் வசிப்பவர்கள் இறைந்து இருவர் பேசினாலும்கூட ஒருவர் பேசுவது மற்றொருவர் காதில் விழாது.

“ ஒடுகின்ற காலத்தில் அவ்வளவு மோசமான சப்தத்தை அவைகள் எழுப்பி மக்கள் குடியிருக்கும் இடங்களில் நிலவவேண்டிய நிசப்தத்தைப் பாழ்படுத்திகின்றன. ஆகையால் இம்மாதிரியான என்ஜின்களை பொது மக்கள் குடியிருக்கும் பிரதேசங்களில் நிறுவ அனுமதி அளிப்பதால் மக்க ளுடைய பொது சுகாதாரம் வெகுவாகப் பாதிப்பதோடு மட்டுமல்லாமல் மக்க ளின் சுகவாழ்வும் பெரிதும் பாதிக்கப்படுகின்றது. இந்த இயந்திரங்களைக் கழுவும் காலத்தில் கழிவு நீர்கள் எல்லாம் மக்கள் குடியிருக்கும் தெருவி லேயே சென்று மிகவும் மோசமான தர்நாற்றத்தை உண்டுபண்ணுகிறது. இதுவும் பொது சுகாதாரத்திற்குக் கெடுதி விளைவிப்பதாகும். ஆகவே தான் நான் இந்தத் திருத்தத்தைக் கொண்டுவந்திருக்கிறேன். இது ரொம்பவும் அவசியமானது. இல்லர்விட்டால், முனிஸிபல் சட்டம் எப்படியிருந்தாலும் கூட, நகரசபை மெம்பர்கள், முனிஸிபல் மெம்பர்கள் இவர்களின் உதவியைக்கொண்டு பணம் படைத்தவர்களும், செல்வாக்குள்ளவர்களும் மக்கள் வசிக்கின்ற பிரதேசங்களிலேயே இந்த மிஷின்களை நிறுவ அனுமதி சுலபத் தில்பெற வசதி ஏற்பட்டுவிடவும் கூடும். ஆகவே இந்தச் சட்டத்தில் மிஷின்களை நிறுவ அனுமதி அளிக்கும்போதே மக்கள் வாழும் பிரதேசத்

[Sri M. Ethirajulu] [12th August 1954]

தில் இந்த இயந்திரம் நிறுவப்படுவதென்றால் அந்தப் பிராந்தியத்திலுள்ள மக்களின் சுகாதார வாழ்வுக்கும், அமைதிக்கும் குந்தகம் ஏற்படாத முறையில் லைசென்ஸ் கொடுக்கலாம் என்று விதிக்கும் என் திருத்தத்தைச் சர்க்கார் ஒப்புக்கொள்ள வேண்டுமென்று கேட்டுக் கொண்டு நான் என் பேச்சை முடித்துக் கொள்ளுகிறேன்.”

* SRI A. GAJAPATHY NAYAGAR :—“ கனம் மன்றத் தலைவர் அவர்களே, மக்கள் வாழ்கின்ற பிரதேசத்தில் மிளகாய், சீயக்காய் இன்னும் இப்போன்று நெடியை உண்டுபண்ணக்கூடிய பொருள்களை அறைக்கும் இயந்திரங்களை நிறுவ அனுமதி அளிப்பதால் மக்களின் பொது சுகாதாரம் எவ்வளவு பாதிக்கப்படும் என்று நான் சொல்ல வேண்டியதில்லை. அதோடு மக்கள் வாழும் இடங்களில் எந்த இயந்திரத்தை அமைத்தாலும் அதனால் ஏற்படுத்தப்படுகின்ற சப்தம் அவர்களது அமைதியைக் குலைக்கும் என்பதும் உண்மை. ஆகவே இந்த மசோதாவின் இரண்டாவது ஷரத்து, 1-வது பிரிவின் கடைசியில் அந்தப் பிரதேசத்தின் பொது சுகாதாரம், அமைதி இரண்டையும் குலைக்காத வகையில் இந்த மிஷின்களை நிறுவ லைசென்ஸ் கொடுக்கலாம் என்று கூறும், கனம் ஸ்ரீ எதிராஜ் அவர்களின் திருத்தத்தை முழு மனதுடன் ஆதரிக்கிறேன்.”

* SRI K. BALASUBRAMANYA AYYAR :—“ Mr. Chairman, Sir, I also support the amendment moved by the hon. Member. The chief object of empowering an officer to grant the licence or permission is to enable the officer to satisfy himself whether even the temporary installation of an oil engine especially in residential areas will not affect the peace or health of the residents of that locality. Therefore that must be one of the conditions for the grant of temporary licences in future. Regarding the other things in the Bill I shall refer to them later. So far as the amendment is concerned, I support it.”

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* DR. V. K. JOHN :—“ Mr. Chairman, Sir, I want to say one word on this amendment. I want to repeat what hon. Member Sri K. Bashyam has stated, that in Article 19 of the Constitution of India, provision is made to the effect that ‘ a citizen shall have the right to practice any profession or to carry on any occupation, trade or business.’ Clause (6) of this Article provides that—

‘ Nothing in sub-clause (g) (which I have just now read) of the said clause shall affect the operation of any existing law in so far as it imposes or prevent the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub-clauses’

Now, the fundamental thing which I want the Hon. Minister to know is that that right was not guaranteed by law before the Constitution came into effect. The Constitution to-day gives the right, the fundamental right, enforceable in a court of law, that a man can carry on any occupation, trade or business but the same Article 19 provides for ‘ reasonable restrictions in the interests of the general public ’ and nothing more can be imposed on a person who seeks to exercise that right. Therefore, what is required here is to define the ambit of those ‘ restrictions ’ which would be imposed on the persons seeking to exercise that right. The hon. the Mover of this amendment, in a way, suggests that we should not give permission in cases where the health and the peace of the locality are in any way affected. Now, in the Bill which has been

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introduced, nothing has been said about the restrictions and it has been only stated that permission is given temporarily for a period not exceeding one year. Therefore, this amendment which gives scope for restrictions, in a way, is good. The Bill should have provided for restrictions in the interests of the general public which it does not seek to do—which is wrong—and I, therefore, support the principle underlying this amendment."

* SRI T. M. DAIVASIKHAMANI ACHARIAR :—" Mr. Chairman, Sir, I feel constrained to support the amendment which has been brought forward by my hon. Friend, Sri M. Ethirajulu. The reason for that is, that those who live in the Madras City and who have experienced the difficulties which the tramways had caused, will readily understand that the location of these oil engines in a residential area is really irksome. Sir, apart from this, what is the necessity to install high power machines or engines which are not required nor suitable for the work in a residential locality where the people are bound to experience great difficulties on account of these oil engines? The great noise and shocks produced by these oil engines stop only in the midnight and till that time residential people in the locality cannot even talk family matters in their houses.

" The other point is that cottage industries do not require any high power machine or motor. The very object of the cottage industries is that they should be done by hand and not with the aid of any machine. So far as the cottage industries are concerned, I reiterate that no machines or high power oil engines are required. It is only for heavy works like turning or cabinet-making, there is necessity for lathes and saw-mills to be run by oil engines or high power electric machines. Sir, the nuisance caused by the flour mills in our street, is not much, as compared with the nuisance caused by the grinding of chillies and soapnuts in them which causes considerable nuisance and sneezing to the general public as a whole. Therefore, is it advisable, from the point of the health of the general public, to install these oil engines in the very heart of the City? I request that the Government should give more consideration to it and also view it from the point of unlimited nuisance that they cause to the residential people. They must even ask these machines to be taken away from the precincts of the City. Therefore, it is with great pleasure and with all the power at my command, I strongly support this amendment and stress that these machines and mills should once for all be removed from localities where people live in large numbers with their families."

* SRI T. PURUSHOTHAM :—" Mr. Chairman, Sir, the amendment proposed by my hon. Friend, Sri Ethirajulu, would appear to give the impression that considerations of public health will not weigh or be taken into account in granting these licences. As one who knows something about municipal and local board administration, I wish to assure hon. Members that though we are passing a Bill in which provision is made for the grant of temporary

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or permanent licences, all the provisions of the Public Health Act, 1939, the District Municipalities Act, 1920, and the Local Boards Act, 1920, are applicable to the grant of such licences and the applications for licences are scrutinized by the Public Health authorities. No licence will be issued either temporarily or permanently without consulting the Public Health authorities, viz., the District Health Officer or the Municipal Health Officer. Public health considerations will certainly be borne in mind by them and no installation of oil mills, etc., will be allowed in any residential area against the recommendations of the Public Health authorities. Therefore, there is no necessity for this amendment and I would request the hon. Member to withdraw it."

* DR. V. K. JOHN :—" On a point of information, Sir, I want to know whether all the provisions of the various Acts like the Public Health Act, the Municipal Act, mentioned by the hon. Member are attracted by this Bill. They are not attracted at all."

* SRI T. PURUSHOTHAM :—" So far as the rules governing the issue of licences for these installations go, the public health point of view will certainly be the chief concern of the Public Health authorities and the local authorities before granting these licences. Therefore, there is no need for a specific provision in the present Bill, as suggested by the hon. the Mover of the amendment. Once again, I request the hon. Member to withdraw his amendment."

12-20
p.m. * SRI K. BHASHYAM :—" Mr. Chairman, Sir, I would not have really interfered in the discussion but for the fact that my name has been dragged into it. I would only point out again, as I pointed out before, that it is hyper-critical to criticize the form in which the 'restrictions' are placed on the Statute Book. After all, it is a hang-over from the previous Act which was passed before the Constitution came into effect. Therefore, if we really want to amend the various Acts, we have got to take them as they are and make amendments to suit the Constitution. Therefore the logical form according to hon. Member, Dr. V. K. John, would be to say that a person has got the right to run a mill wherever he likes and that the municipality or the local body can place some restrictions on the running of the mill. Instead of this, if we say 'Please let us know before you install an engine as to what you propose to do, so that we can place some restrictions on you', I do not see anything wrong in it. It is clear that the difference is only in regard to the form and not in regard to the substance and there is nothing unconstitutional about it. As a matter of fact, municipalities want to be informed beforehand where the oil-engine is going to be installed so that they could send out their Inspectors for purposes of investigation and examination to see what restrictions as may be necessary can be imposed in respect of that installation. Therefore, in substance Article 19 (g) and the provision

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in clause (6) of Article 19 sanctioning the imposing of reasonable restrictions on the exercise of this right are satisfied. There is no difficulty or unconstitutionality about it.

“Then the only question that remains is whether public interest is affected or not. This is a question on which each case has to be considered on its merits. In the present case, when an oil-engine is sought to be installed in a residential area, great care must be taken as regards the restrictions to be imposed. A silencer or some other safeguard might be insisted upon to see that the people are not disturbed. The word ‘restriction’ also means that the installation itself might be prohibited altogether. Therefore, in respect of all these matters, the question of granting a licence prior to the installation is essential, at any rate, for the purpose of controlling the installation of these engines. The Bill, as it stands, is therefore quite correct and there can be no legal objection to it.

“As regards the proposed amendment, it requires that the health and the peace of the locality should not in any way be affected. This is what exactly the Government have in view and they would say that this could always be secured by the rules regarding the grant of these licences. ‘Why should such a provision be duplicated in the Bill?’ the Government would naturally ask. It is sometimes too dangerous to do so as it may be taken to mean that the other rules regarding the grant of licences cannot be applied. It is much better to leave the clause as it is without the amendment because we have got specific rules governing the grant of licences.”

***SRI K. N. PALANISWAMI GOUNDER:**—“கனம் தலைவர் அவர்களே, ஜில்லா போர்டுகளிலும், நகர சபைகளிலும், பஞ்சாயத்து போர்டுகளிலும் பொது சுகாதாரத்தைப் பாதுகாக்கும் அதிகாரிகள் சிலர் இருக்கிறார்கள். இவைகளுள், சிலவற்றில் சுகாதார அதிகாரிகள் பிரத்தியேகமாகவும் இருக்கிறார்கள். பொது சுகாதாரத்தைப் பாதிக்கும் வகையில் மக்கள் வசிக்கும் பிரதேசத்தில் மிஷின் ஓடாமல் தடுக்க இவர்களுக்கு அதிகாரம் இருக்கிறது. நகரத்தைப் பொதுவாக மூன்று பிரிவுகளாகப் பிரித்திருக்கிறார்கள். அதாவது ரெலிடென்ஷியல் லொக்காலிடி, இன்டஸ்ட்ரியல் லொக்காலிடி, கம்ர்ஷியல் லொக்காலிடி என்று பிரித்திருக்கிறார்கள். அந்தந்தப் பிரதேசத்திற்குத் தக்கபடி அவைகளின் பொது சுகாதாரத்தைப் பாதுகாக்கும் முறையில் அதிகாரிகள் நடவடிக்கை எடுத்துக் கொண்டு வருகிறார்கள். சட்டசபை மெம்பர்களைப் போலவேதான் பஞ்சாயத்துப் போர்டு மெம்பர்களும், ஜில்லா போர்டு மெம்பர்களும் இருக்கிறார்கள். நம்மைப் போலவேதான் அவர்களும் பொறுப்பு வாய்ந்தவர்கள். அவர்களைக் கேவலப்படுத்து முறையில் ஸ்ரீ எதிராஜ் அவர்கள் பேசியது குறித்து நான் ரொம்பவும் வருந்துகிறேன். அவர் அம்மாதிரி பேசக்கூடாது. ஸ்தல ஸ்தாபனங்களுக்கு அதிக அதிகாரத்தைக் கொடுக்கவேண்டியது ரொம்பவும் அவசியமாகும்.

“ஆகவே நான் இந்த மசோதாவையும், அதற்கு ஸ்ரீ எதிராஜ் கொடுத்திருக்கும் திருத்தத்தையும் ஆதரிக்கிறேன். இதையும் ஒப்புக்கொண்டு நகர சபைகளுக்கும், ஸ்தல ஸ்தாபனங்களுக்கும் இந்தச் சட்டத்தை அமுலாக்கும் அதிகாரத்தையும் கொடுக்க வேண்டுமென்று கேட்டுக்கொண்டு நான் முடித்துக் கொள்ளுகிறேன்.”

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* THE HON. SRI A. B. SHETTY :—“ Mr. Chairman, Sir, my hon. Friends, Sri T. Purushotham and Sri K. Bhashyam, have made helpful speeches and they have explained why this amendment is unnecessary. This amendment had been considered by the concerned department also. The object of this legislation is not to give general permission for the installation of oil-engines in residential areas. It was meant to meet a particular emergency on account of the cut of 66 and odd per cent in electric power supply. Therefore, there is no necessity for the hon. Members to entertain any doubts regarding the object of this legislation. Only temporary permission subject to such restrictions as are necessary to ensure public health and to prevent any disturbance of the peace of the locality will be given. The occasion for the grant of such permission may hardly arise hereafter in view of the very satisfactory electric power position in the State. I would therefore request the hon. Member to withdraw his amendment in view of the assurance given.”

SRI M. ETHIRAJULU :—“ Sir, I withdraw the amendment.”

MR. CHAIRMAN :—“ I hope the House gives permission to the hon. Member to withdraw the amendment.”

DR. V. K. JOHN :—“ No, Sir.”

MR. CHAIRMAN :—“ The question is—

‘ Add the following at the end of sub-clause (1) :—

“ provided the health and the peace of the locality are not in any way affected.” ’

The amendment was lost.

* SRI K. BALASUBRAMANYA AYYAR :—“ Mr. Chairman, Sir, I want to say a few words in regard to this clause. The Government themselves say that there was no provision in any of the existing Acts when such temporary permissions were given for the installation of these engines. Nothing appears to have been done subsequently. It is said that permissions were granted early in 1953 and now in August 1954 the Government want to validate them and say that they shall be deemed to be permission given under the various Acts. This sort of a thing has become a habit with the Government and I want to state on the floor of this House that this cannot be allowed to go on. In the Statement of Objects and Reasons itself it is said : ‘ At present there is no provision in the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, or the Madras Village Panchayats Act, 1950, for granting temporary permissions for the installation Why then did the Government give such permissions early in 1953? I take it that emergency required such a step but within a short time the Government ought to have brought in emergency legislation to meet the situation. Suppose, when granting such permissions temporarily, the public health and peace of the place or

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some other factors have not been considered. Then they would not be valid according to the various other provisions in these Acts which apply to the granting of such licences. What then are we to do now? The present legislation is not the proper thing. The better thing would be to amend the provisions in the various other Acts and bring them into effect instead of taking power for validating certain Acts long after they were done."

* DR. V. K. JOHN :—" Mr. Chairman, Sir, I want to make a suggestion to the Hon. Minister. Clause 2 of the Bill says ' . . . may grant permission to such person to install such an oil-engine.' What the sponsors of the Bill have in view is not only ' installing an engine ' but ' also working it.' For installing an engine permission is not required. Permission is required only to work the engine. The clause, therefore, requires to be amended. There is no use in bringing forward amendments in this House because they are not likely to be accepted. Merely granting permission to install an oil-engine and taking it away after a period of one year is not what is wanted. I therefore suggest to the Hon. Minister to bring in an amendment providing for working the engine and not merely for installing the engine as has been done now."

12-30
P.m.

* THE HON. SRI A. B. SHETTY :—" Local authorities were instructed to grant permission temporarily to run oil-engines for a period of one year from the date of grant of the permission. As temporary licences are not in keeping with the statutory provisions this validating legislation has been brought forward."

Clause 2 was put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI A. B. SHETTY :—" Sir, I move—

' That the Madras Installation of Oil Engines (Temporary Permission) Bill, 1954 (L.C. Bill No. 9 of 1954), be passed into law.' "

MR. CHAIRMAN :—" The motion is—

' That the Madras Installation of Oil Engines (Temporary Permission) Bill, 1954 (L.C. Bill No. 9 of 1954), be passed into law.' "

* DR. V. K. JOHN :—" Sir, I am sorry I have to intervene again during the third reading. I want to make this suggestion to the Government. Instead of bringing in a legislation like this, they must bring in a legislation amending the original Acts like the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, or the Madras Village Panchayats Act, 1950. In every case the Act concerned should be amended. There must be some method in legislating and the Government must not bring in a legislation like the one before the House saying that permission

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granted under sub-clause (1) of Clause 2 of the Bill shall be deemed to be permission granted by the Commissioner, Corporation of Madras, the municipal council, the district board or the panchayat, as the case may be, under the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, the Madras District Boards Act, 1920, etc. We are made to take responsibility for a Bill which is unnecessary and which is very bad in form."

MR. CHAIRMAN :—" The question is—

' That the Madras Installation of Oil Engines (Temporary Permission) Bill, 1954 (L.C. Bill No. 9 of 1954), be passed into law.' "

The motion was carried and the Bill was passed into law.

(2) THE MADRAS HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS (AMENDMENT) BILL, 1954 (L.A. BILL NO. 27 OF 1954).

* THE HON. SRI B. PARAMESWARAN :—" Mr. Chairman Sir, I move—

' That the Madras Hindu Religious and Charitable Endowments (Amendment) Bill, 1954 (L.A. Bill No. 27 of 1954), as passed by the Assembly, be taken into consideration at once.'

" The Joint Select Committee which went into the Bill was appointed by resolutions of the Legislative Assembly, dated 18th and 19th May 1954, and a resolution of the Legislative Council, dated 18th May 1954. The Joint Select Committee after a careful scrutiny of the various clauses of the Bill did not consider it necessary to introduce any drastic changes therein. I shall briefly indicate the important changes in the Bill made by the Joint Select Committee and by way of certain amendments passed by the Legislative Assembly.

" *Clause 5 of the Bill.*—Sub-section (1) of section 30 of the Act declares the right of the trustee of a religious institution to incur expenditure out of the funds in his charge for securing the health, safety and convenience of disciples and pilgrims, for the training of archiakas, etc. Sub-section (2) of section 30, however, requires that in incurring the expenditure, the trustee shall be guided by the general or special instructions which the Commissioner or the Area Committee may give. The Supreme Court held that the provision in sub-section (2) constituted an unreasonable restriction on the right of the trustee. Clause 5 of the original Bill, however, thought that a total omission of the sub-section was not called for and decided that it was sufficient to substitute for the words ' the trustee shall be guided by ' occurring in the sub-section, the words ' the trustee shall have due regard to '.

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“ Clause 6 of the Bill.—Clause 6 of the Bill substitutes a new Section 31 which provides for the *cypres* application of surplus funds of religious institutions. The new section follows the language of Section 47 of the Orissa Hindu Religious Endowments Act, 1939, which has been held to be valid by the Supreme Court. The section as drafted was, however, capable of the interpretation that it authorized the Commissioner not only to divert the surplus funds of institutions but also the amounts of the endowments themselves. The Government amendment to Clause 6, as passed by the Assembly, has removed the scope for this interpretation by omitting the words ‘the amount of the endowments or’ occurring in the clause.

“ Clause 7 of the Bill.—It introduces a new Section 31-A. The object of this section is the validation of appropriation of surplus funds made in the past for religious, educational or charitable purposes prior to the judgment of the Supreme Court. Such validation is absolutely necessary to avoid administrative difficulties. Clause (1) of new Section 31-A as originally drafted did not convey the meaning quite clearly. The re-draft of the clause as passed by the Assembly states the intention more clearly.

“ Clause 9 of the Bill.—Section 39 (2) of the Act provides that where an institution has both hereditary and non-hereditary trustees, the Commissioner can appoint non-hereditary trustees as and when vacancies occur. Clause 9 of the Bill seeks to meet the objection raised to this section by the Madras High Court by providing that the Commissioner may appoint non-hereditary trustees only in cases of mismanagement and that too only after giving due notice to the hereditary trustees and after holding an enquiry. This clause as first drafted specified certain circumstances in which the Commissioner could hold that the hereditary trustee or trustees were not discharging their duties properly. The circumstances specified are (a) the distance between the trustee's residence and the institution, (b) the pre-occupation of the trustee with his private or other public affairs and (c) the incapacity or discrimination of the trustee to attend to the routine of management. The Joint Select Committee, after due consideration, resolved that the reasons referred to above should be deleted and that provision should be made requiring the Commissioner to give reasons for his decision to appoint non-hereditary trustees. The Committee also decided to make a provision allowing an appeal to a court of law against the Commissioner's decision.

“ Clause 10 of the Bill.—Section 52 of the Act specifies the grounds on which a suit can be filed for the removal of a trustee of a math or specific endowment. Clause 10 of the Bill sought to introduce certain additional grounds, viz., ‘waste of funds’, ‘adoption of devices to convert the income of the institution into *pathakanika*’, or ‘leading a life inconsistent with the sanctity of the office’. The Committee resolved to substitute for the proposed ground ‘leading a life inconsistent with the sanctity attached to

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the office', the ground 'leading an immoral life or otherwise leading a life which is likely to bring the office of the head of the math into contempt'.

" Clause 15 of the Bill replaces the existing Sub-sections (1) and (2) of Section 76 of the Act, thereby meeting the objections raised by the Supreme Court. According to the new sub-sections the contributions shall be payable not to the Government but to the Commissioner, who by Clause 16 of the Bill, is being constituted into a *Corporation sole*. It is considered that Section 76 (1) should make it clear that the contributions shall be for defraying the expenses incurred by the Government and their officers on the services rendered to religious institutions. The clause has been amended to bring the intention clearly.

12-40
p.m.

" Under Section 3 (a) of the Hindu Religious Endowments Act, 1926, there was a provision empowering the Government to exempt from the liability from contributions maths (and specific endowments attached to them) whose annual income was less than Rs. 400 and temples (and specific endowments attached to them) whose annual income was less than Rs. 200. There is no such provision in the present Act. It is considered desirable to exempt from contributions both maths and temples getting an annual income of less than Rs. 200 and an explanation to this effect has been inserted under Section 76.

" Under Clause 16 of the Bill, a fund to be called the Madras Hindu Religious and Charitable Endowments (Administration) Fund shall be created which shall vest in the Commissioner. The contributions and audit fees payable under Section 76 (1) and (2) shall, when realized, be credited to this Fund. It is considered that if there is any surplus in the Fund after meeting the expenditure under Section 76 (4), the Commissioner may be empowered to make grants out of the surplus to poor and needy religious institutions for repairs to or renovation of their buildings subject to such rules as may be framed by the Government in this regard. A new Sub-section (5) has accordingly been inserted under Section 76."

MR. CHAIRMAN :—" Motion moved—

' That the Hindu Religious and Charitable Endowments (Amendment) Bill, 1954 (L.A. Bill No. 27 of 1954), as passed by the Legislative Assembly, be taken into consideration at once.' "

* SRI K. BALASUBRAMANYA AYYAR :—" Mr. Chairman, Sir, this Amendment Bill has been introduced on account of the fact that the Supreme Court of our Union has declared certain sections of the Madras Hindu Religious and Charitable Endowments Act of 1951 as void and repugnant to the provisions of the Constitution of India, because the fundamental rights guaranteed under the Constitution to various heads of maths and trustees of temples and other religious denominations are affected. The

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Government have introduced this Bill for that purpose. My first submission is that if they had confined their attention only to those provisions of the Bill which have been declared to be void and brought in consequential amendments to the various other provisions, it would have been quite all right. But, as a matter of fact, what they have done is that they have introduced some new provisions also. They themselves stated at the time of the Joint Select Committee meetings that they might think of having a comprehensive legislation. I am not one who is enthusiastic about a comprehensive legislation introducing more drastic provisions than the present one. That is why I adopt a lukewarm attitude so far as that question is concerned. But, if the Government propose to bring in a comprehensive legislation, all the new provisions can very well be introduced in that Bill and the public would then have time to consider the whole matter and offer their opinion. Unfortunately now, as they have introduced new provisions, necessarily we had to take some time in considering them and we did take some time. But I am sorry to mention here that the time given for discussion during the meetings of the Joint Select Committee was not satisfactory so far as I was concerned. The proceedings went on in a great hurry. That is what I felt. May be that we were wrong to some extent in not having pressed the Government so strongly that they could have waited for some more time. But things have happened and I do not want to make any complaint. Yet the fact remains that this Bill had been introduced rather quickly and people had no time to offer their opinion.

"I wish to submit that this Bill bristles with difficulties. Fundamental rights affecting religious denominations and religious trusts, which have been in existence in our country for the past 2,000 or 3,000 years, are involved. There are customs, usages and so on. There are so many complications that it is very difficult for any Government to bring in a comprehensive Bill which would satisfy all, especially after the judgment of the Supreme Court had been delivered laying down the rights of the heads of the maths and so on. All these things should be gone into carefully and it will take a lot of time. Judicial attention has to be bestowed and the law has to be looked into carefully. I am not one of those who blame the Government if they commit mistakes. If they commit mistakes, it is out of ignorance, and not otherwise.

"They have introduced a provision as regards the utilization of the surplus funds, called *cypres* application of surplus funds of endowments. This new provision is sought to be substituted for Section 31 of the principal Act. I am not speaking on those provisions which incorporate only formal amendments. When the clause by clause discussion comes up, I will speak about them. I will now deal with the new provisions. There was originally a section—I remember, Section 30—which related to the *cypres* application of surplus funds. But the Supreme Court held that they were not satisfied as regards the validity of that section. That

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section was ordered to be deleted from the Act. But now they have introduced another provision, namely, Section 31. Unfortunately, in our country, how can we find any surplus funds at all which can be diverted for other purposes? Our religious institutions have been working for thousands of years. There are no specific purposes mentioned in specific grants. The whole thing has to be considered from the usages of the institutions and from various general grants as shown by inscriptions and from other evidence. Therefore, nobody can say that it will adequately satisfy the purposes of the religious institutions. Well, what are the purposes? The purposes are so general, vague and wide. Are we really satisfied with the administration of all the temples? No. Sufficient funds are necessary for administering these temples and other institutions useful to the public so that the character of our people and the religious and spiritual nature of our people are improved. How can any officer, however high placed he may be—for example, the Commissioner who occupies the place of His Holiness the Pope under the present Act—decide that there is a surplus which is not required for purposes of the religious institution? Why should not the surplus be carried over to the next year's Budget? There may be difficulties in the next year and more funds may be required. Nobody can really say that he is adequately satisfied with the purposes of the religious institution. Generally, as we all know, the *cypres* application is applied to trusts which have failed or have become incapable of realization. Even assuming that the *cypres* doctrine can be invoked in the case of surplus funds, how can one say that the purposes of the religious institution have been entirely fulfilled? There are thousands and thousands of institutions which are languishing for want of funds and even big institutions have not fulfilled their entire objects. Whole structures are being dismantled and are going to ruins. Lakhs and lakhs of rupees are required and people are contributing as a token of their charity. When such is the case, I fail to see how the State can contemplate this measure in the case of our religious institutions? Take our maths, for instance. How much money is required for propagating our religion? We are a huge population. Most of us are Hindus and there have been attacks against our religion from all sides. We want to have enlightened spiritual instruction in the tenets of our religion so that the character of the people may be improved, based on their belief in religion. Therefore, a lot of money is required by mataphipatis for these purposes.

12-50 p.m. “How many lakhs of rupees would the Government require if they want to discharge efficiently the duties of that office? Considering the general nature of the religious trusts in our country, I say that the State cannot contemplate performing the duties of that office adequately. Nobody who is true to the religion in which he is born would say that the State can do that. People who do not care for religion, who are secular minded or others who care very little for what happens to our religious institutions may say

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all these things. They may look upon it with equanimity. We cannot. After all it is the Government that stand to gain by our people being entirely religious minded. If our people are religious minded, if they are spiritual, many of the legislations will become quite unnecessary. This is the view I take in this matter and I feel that this section which has been introduced, section 31, gives wide powers to the Commissioner. Even the word 'trustee' is not there. He need not hold consultations with the trustees."

* SRI K. BHASHYAM :—" You can appeal against the decision of the Commissioner."

* SRI K. BALASUBRAMANYA AYYAR :—" Yes, we can appeal and go to the High Court and all that. But the funds would be utilized for the purpose of paying the lawyers. The Commissioner has been given wide powers. That is my submission so far as this section is concerned."

" As regards validation of past acts, this is writ large in all our legislation. Wherever we go and wherever we turn, there is only validation, validation and validation of illegal acts, which were going on. All the fees that have been collected so far, the Government had no power to collect. We are validating things which were declared illegal twice and thrice by courts. Therefore, I submit we cannot go on validating things that have been held illegal. Even if there are administrative difficulties, as far as possible, we should avoid making things legal which have been done illegally. That is my submission so far as this matter is concerned."

" Regarding Chapter VI, ' Probates, Letters of Administration and Certificates of Administration ' the whole of that chapter has been declared void by the Supreme Court. I do not want to read the pronouncement of the Supreme Court on this matter. The Court has observed that this chapter is so drastic in character that it cannot but hold it void. The Advocate-General of Madras was right in saying that he cannot support this chapter. Now what is it that the Government have done? Clever lawyers are behind them, and the Government say : ' Yes, the judgment relates to maths and therefore all these observations must relate only to maths. So far as maths are concerned, we will leave them out of question, but so far as temples are concerned, we will still have the power of notification.' The Supreme Court has pointed out that courts have been entirely banned so far as this notification is concerned and therefore they took a serious view of this matter and held the chapter itself void so far as religious institutions are concerned. Because that appeal was concerned with a math, they said maths should not be affected by this chapter. Now the Government want to construe this pronouncement differently and say : ' So far as maths are concerned the judgment of the Supreme Court is all right. We have now introduced a provision to the effect that nothing in this chapter shall apply to maths or hereditary institutions having a beneficiary income '. In fairness to the

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judgment of the Supreme Court and the feelings of our people, I say the whole of Chapter VI should be deleted. If the Government do not do that, then we shall have to resort to litigation again and go to the Supreme Court and ask that Court to give their final opinion. (Interruption.) Yes, the Government may again try to validate their action. I am sorry to say that it will not be in the best interests of the country. These are my submissions so far as the general provisions of the Bill are concerned.

“ Then coming to proposed Section 82 which validates all the things that have been done regarding contributions, it is illegal to do that. The Supreme Court has said that the Legislative Assembly and the Council had no power to impose the fee because they held that it was tax and not a fee. Our Legislature had no power to levy such a fee but all these years the Government have been collecting the fee which they had no power to collect. Therefore, the collection was an illegal exaction. I do not blame the Government because it is a difficult thing to say whether this is a tax or a fee. But it has been held to be a tax and an exaction. How then can the Government validate such exactions? Under Section 82, Government want to validate such collections because of administrative difficulties. The man who has got his fundamental rights does not care for the administrative difficulties of the Government. So long as his fundamental right is infringed and so long as the Government have collected the fee from him which cannot be levied because the Legislature has no power to levy such a fee, then the fee collected has to be refunded to him. By what arrangement the Government will refund the money collected is not his concern. Therefore my submission is that there can be no such section as this. We need not in this Bill try to introduce new principles and clauses which have to be further considered. Let us have only the clauses which accept the decisions of the Supreme Court and give effect to them, such as omitting certain sections or amending certain other sections of the original Act as a consequence. As far as other things are concerned my submission is, we must postpone consideration of those Clauses to a later date especially in view of the fact that a comprehensive Bill on this subject is coming up before us. That is all my submission on the general principles of the Bill.”

MR. CHAIRMAN :—“ The House will now adjourn and meet again at 2-30 p.m.”

(After lunch—2-30 p.m.)

* SRI V. BASHYAM AYYANGAR :—“ Mr. Chairman, Sir, I wish to make a few observations on this Bill. First of all, in the Statement of Objects and Reasons given in the Bill, it is stated that this Bill is occasioned by the decision of the Supreme Court which held that some of the sections of the Madras Hindu Religious and Charitable Endowments Act, 1951, were invalid as being repugnant to the Constitution. Now, Sir, this Bill goes much

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farther than what is contained in the Statement of Objects and Reasons. If the Bill had confined itself to remedying certain defects pointed out by the Supreme Court, it would have been less open to objection. But, as a matter of fact, it introduces provisions which have nothing to do with the judgment of the Supreme Court. The most objectionable of such provisions is the one which relates to the doctrine of *cypres*, which has been newly introduced in this Bill. That provision was not in the old Act and it has been introduced now under the cover of remedying the defects pointed out by the Supreme Court. I beg to submit that it is not proper for the Legislature to introduce such an important provision in a Bill which is intended, according to the Statement of Objects and Reasons, for a different purpose altogether.

“ Sir, the proposed Section 31 which deals with the *cypres* doctrine is very drastic. As my hon. Friend, Mr. Balasubramanya Ayyar has already explained, Section 31 relates to the disposal of surplus in charitable and religious institutions. I think along with him that ordinarily there could be no surplus in charitable and religious institutions. The scope of what has to be done for these temples and for the cause of religion and propaganda is so vast indeed that it is not possible to conceive that there could be any surplus in any of the temples in our State. So, the application of the *cypres* doctrine will become absolutely unnecessary. What, in practice, the introduction of the doctrine envisaged in this Bill will lead to is that it will tend to influence the authorities concerned to declare a surplus even when there could really be no surplus. That will be the tendency. Any religious institution, whatever its income, could and ought to spend it for its reasonable needs. As hon. Member Sri K. Balasubramanya Ayyar has pointed out, difficulties are there and all temples are crying for want of funds and they do not have any surplus. Of course, it will be possible to create a ‘surplus’ by curtailing unduly expenditure under a legitimate heads. That is however improper. Sir, this section is also very vague because it gives absolute power to the Commissioner to declare not only a surplus but also the purposes for which the surplus could be used. To introduce such a provision in a Bill which is intended to remedy the defects pointed out by the Supreme Court is not justifiable.

“ Sir, I would respectfully submit that the Government have to be very conservative in dealing with our religious institutions. These institutions are very old, thousands of years old. They have affected the lives and conduct of the community and they have exercised a very great influence over the mass mind and they ought not to be easily interfered with. These institutions ought not to be allowed to become a sporting ground for active politicians and for persons who do not believe in temples and the ideals for which they stand. This has to be clearly borne in mind by the Government when they want to pass any law concerning the religious institutions. Otherwise, the effect will be very deplorable indeed. It will affect religious belief and the habits and customs

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of the people and its effect on the mass mind will be very considerable indeed. Sir, the great *Acharyas*, and leaders of Hindu religious thought took a lot of trouble to create belief and faith in the minds of the masses by teaching or preaching to them the sacredness of these institutions which they alone knew. Now to spoil the effect of all those institutions by a mere Act of the Legislature is not justifiable at all. No doubt, the Government of this State, as at present constituted, have the best interests of the religious institutions at heart and they do not want to make revolutionary changes. I would grant it. At the same time I will emphasize the need to be conservative in matters of this kind. Sir, we are living in days of democracy and we do not know what sort of Government will come into power and at what time or what attitude will be taken towards religious institutions. It may be that they could act in such a way as to deal with the funds of the religious institutions as they like. That is dangerous indeed. No doubt, the power is vested in the Commissioner but the Commissioner is only an employee of the Government, a nominee of the Government, and naturally he will only act as the Government are inclined. Therefore, the Government ought to be very careful indeed in dealing with these charitable and religious institutions.

2-40
p.m.

"Now, I come to the question of contributions dealt with in the Bill. The Supreme Court held that the contribution which was collected from religious institutions was a tax and, therefore, it was not justifiable. Now, what is done? The name of the 'contribution' is changed and then, instead of the contribution being made payable to the Commissioner, a fund called the Charitable and Endowment Administration Fund is created and instead of money being paid to the Government, it is paid to that Fund. Of course, for the services rendered by the Government, they are no doubt entitled to collect the necessary funds from the respective religious institutions. But, we do not know how much is spent for each temple and fixing the rate of contribution at a certain percentage is really inconsistent with the idea of payment for the expenses actually incurred in regard to a particular religious institution. It is proposed to collect 5 per cent. Supposing only 2 per cent is spent, what is to become of the balance of 3 per cent? How is it to be spent? I find that in the Joint Select Committee one of the Members suggested that the Commissioner must be empowered to spend the surplus just as he pleases for religious and charitable purposes. But, will this again be a judicious thing to do? Taking the view expressed by the Supreme Court into consideration, I think, the proper thing and the just thing for the Government to do will be to collect just what they incur on behalf of a religious institution and nothing more. How is this to be done? We know that in the matter of the collection of income-tax a person is assessed to income-tax on his income for the previous year and so on for the next year. Similarly, even here if the amount that is spent on a religious institution can be calculated for one year, only so much may be collected from it for the next year and so on, so that there need

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be no accumulation of funds in the hands of the Commissioner. Apparently, the Act does not provide how the moneys which accumulate in the Fund which is to be administered by the Commissioner are to be spent. We have got the example of the Railway Budget where the surplus, if any, is added to the general revenues. Here also, if money accumulates with the Commissioner, the tendency of the Government will be to appropriate it in some way or other for some purpose. I, therefore, think that the provision in this Bill regarding the contribution to be made is not at all correct. Also, the retrospective effect which is sought to be given to make all the invalid payments into valid payments requires explanation.

“ There are also other changes made in this Bill which need not have been made. I understand that in the Select Committee it was said on behalf of the Government that another Committee would be appointed to go into the whole question of these religious institutions. If that be so, I do not see any reason why these changes which are not necessary to meet the criticisms of the Supreme Court should have been introduced in this Bill. We may as well wait for the proposed Committee to go into the whole question and then proposals may be made for a comprehensive Bill on the subject.

“ Sir, I think that with reference to these two or three points the Government should stop and consider whether they have done the best thing in the circumstances. The Bill having been already passed in the other House, I feel that I am really speaking in an atmosphere of unreality. Whatever the hon. Members here may suggest may not have one in a hundred chance of being given effect to. I have only these few observations to make.”

* SRI T. M. NARAYANASWAMY PILLAI :—“ Mr. Chairman, Sir, at the outset I must congratulate the Government for having brought forward this Bill to amend the Madras Hindu Religious and Charitable Endowments Act, 1951, and rectify the defects pointed out by the Supreme Court. Objection has been taken by my hon. Friends, Sri K. Balasubramanya Ayyar and Sri V. Bashyam Ayyangar, on the ground that the Government have not confined themselves to merely rectifying the defects pointed out by the Supreme Court, but that they have introduced some new provisions. I feel that the changes in those directions are not so fundamental and, perhaps, have been made in the interests of better administration as I shall try to point out later on.

“ In regard to the scope of the changes that have been introduced, they may be broadly classified under three headings : (1) those necessitated by the decision of the Supreme Court, (2) those necessitated by the observations of the High Court and (3) those provisions felt necessary by the Government in order to give effect to some pressing needs. With regard to those changes

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necessitated by the decision of the Supreme Court, I crave your leave, Sir, just to mention what the Supreme Court has said. There seems to be a feeling among the general public that the Supreme Court has declared the whole Act as *ultra vires* and has placed a ban upon the Government bringing forward any legislation of this kind. It is rather unfortunate that in regard to this subject whenever legislation of this kind was brought forward, some sections of the public ranged themselves against it and tried to raise the cry that 'Religion was in danger'. If the judgment of the High Court alone held the field, perhaps, there might be a feeling among the public that there could be no use in bringing forward a measure like this. The judgment of the High Court would have paralysed the administration but, fortunately, the Supreme Court has held only certain sections to be invalid. The Supreme Court has stated broadly that in regard to madathipatis and hereditary trustees who have beneficial interest in the income, the Government have got the right to supervise and control them and it has held that Section 20 of the Act of 1951 is valid. At this place, I may just refer to the observations themselves:

'Section 20 of the Act describes the powers of the Commissioner in respect to religious endowments and they include power to pass any orders that may be deemed necessary to ensure that such endowments are properly administered and that their income is duly appropriated for the purposes for which they were founded. Having regard to the fact that the madathipati occupies the position of a trustee with regard to the math, which is a public institution, some amount of control or supervision over the due administration of the endowments and due appropriation of their funds is certainly necessary in the interest of the public and we do not think that the provisions of this section by itself offends any fundamental right of the Mahant . . .'

We, therefore, start with this, namely, (1) that the Government have got the right to see that these institutions including the maths are properly administered, (2) that their funds are properly appropriated, (3) that such administration must be in the interest of the public and (4) that the madathipati is a trustee. What we have to see now is whether the new changes that have been proposed go fundamentally against this declared policy enunciated by the Supreme Court. Viewed in that light I would submit that none of the changes brought forward by the Government—of course, I have some objections to a few of the amendments—are against the principle enunciated in this judgment. Take, for instance, Clause 3 suggesting substitution of a new section for Section 21 in the old Act. The Supreme Court held that the old Section was somewhat obscure and did not provide for the observance of the usages and practices of the institution by the officer making the entry. They also said that notice should 'e given to the trustees. These defects pointed out by the Supreme Court have been rectified in the Bill.

"Let us next take Clause 6 suggesting substitution of a new section for Section 31 of the old Act. Both hon. Members Sri K. Balasubramanya Ayyar and Sri K. Bashyam have spoken against the principle adopted in this section. In this connexion, we have

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to take into account the policy, the need, the growing consciousness of the community, the change in public opinion and several other factors and viewed in that light, the changes made in Section 31 (2) and (3) do not violate provisions of the Constitution. With regard to Section 31, the position is very clear. The whole thing has been considered by the Government and the present new section proposed in Clause 6 of the Bill has been drafted on the lines of Section 47 of the Orissa Hindu Religious Endowments Act of 1939 which the Supreme Court has held to be *intra vires*. The Government have given effect to the observations of the Supreme Court with regard to the old Section 31 and in enacting the new section, they have adopted a section held valid by the Supreme Court. I cannot see how the new Section 31 is repugnant to the provisions of the Constitution. Certainly it must be conceded that the new Section 31 gives effect to the observations of the Supreme Court. As regards the question whether the change effected is necessary and whether it is beneficial there may be differences of opinion. It is said that there are no funds available as surplus at all in any religious institution. I also believe that in the case of temples there could hardly be any surplus after providing for what is required under Section 70 (2), namely, making adequate provision for the *dittam*, the repair and renovation of the buildings connected with the institution, etc., and after providing for what is required under Section 30 (1), namely, on arrangements for securing the health, safety or convenience of disciples, pilgrims or worshippers resorting to the institution and for the training of archakas, adhyapakas, etc. Why should those who say that there can be no surplus, fight against the section, I ask? Let that section be a dead letter. I heard my hon. Friend Sri V. Bashyam Ayyangar saying that there might be a tendency to create an artificial surplus. If there are certain fundamental binding charges which are sanctioned by tradition or usage to be provided for and which cannot be got over even by the Commissioner or even by the Government, I ask, how can an artificial surplus be created? We must have faith in the Commissioner. Any person who is dissatisfied with the orders of the Commissioner can file a suit in a Court of law under this section. So, ample provisions have been made for setting right any imagined caprice, if I may so put it, on the part of the administration. Therefore, I for one have no serious objection to the amended Section 31. As there must be a co-ordinating and controlling authority, viz., the Commissioner, the new Section 31 will be very useful.

“I see no objection to Clause 11 which deals with the substitution of a new section for Section 55 of the old Act. This section deals with power to spend ‘*pathakanika*’. I first thought that the objection raised against this new section was valid. But after consideration I think that the new provision requiring the madathipati to keep an account for the receipts alone is not such a burdensome restriction put upon him. After all questions relating to

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these may crop up years after and if, after the lapse of a certain number of years, a subsequent madathipati or a trustee were to raise the issue of unauthorized appropriation from the *pathakanikas* by his predecessor, there must be some references to be looked into. I consider that the new section cannot be considered to be a burdensome restriction or an unnecessary restriction or a vexatious restriction interfering with the rights of madathipatis or trustees to deal with their income. These madathipatis or trustees can deal with their income only in accordance with the customs and usages of the institution, and that is what has been stated in this provision. At the same time, care has been taken to see that it is not made a cover behind which expenditure on nefarious items may otherwise be permitted to be made. That seems to be the object behind this Section and, I for one, do not object to it.

“ With regard to Clause 12 of the Bill dealing with the repeal of Section 56 of the old Act, the Government have scrupulously followed the instructions of the Supreme Court and those who object to this Bill must congratulate the Government.

“ Clause 15 dealing with amendment of Section 76 of the old Act causes a little bit of difficulty for me. I for one feel that the Government have not really taken us into their confidence with regard to the manner in which the difficulties pointed out by the Supreme Court have to be solved. The Supreme Court has held that the contribution under Section 76 (1) of the old Act has to be treated as a tax and that it is beyond the power of the Legislature to levy such a tax. One of the reasons they have given is that a tax can be levied only in the manner provided for under the various Articles of the Constitution. Care is taken to see that payment is made to the Commissioner instead of to the Government. A separate fund has been constituted. The question is, will that alone do? There are also two other observations made by the Supreme Court. They say that there should be correlation between the expenses incurred by the Government and the amount raised by contribution. If there should be a correlation between the income and expenditure, what is it that the Government are going to say with regard to the flat rate fixed in Section 76 (1), namely, ‘ pay to the Commissioner not exceeding five per centum of its income ’. I would suggest to the Government to consider whether it would not be advisable in the circumstances to lessen the rate of contribution with regard to maths and keep 3 or 4 or even 5 per centum as the rate of contribution with regard to temples. Here I see the wisdom of the late Raja of Panagal. There were three fundamental factors on which his Bill was formulated. One was the creation of a statutory board divorced entirely from the Government. This was a body distinct and separate from the Government and from the religious institutions themselves. Though Government servants might be appointed to that body, it retained its separate character. The third factor was that a contribution of 3 per centum from temples and $1\frac{1}{2}$ per

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centum from maths was collected. The three per cent contribu- 3 p.m.
tion from temples indicated that there were more services to be
done for them and the $1\frac{1}{2}$ per cent from the maths indicated
that there were less services to be done for them. At present
the old rates for all may not be enough. Three per cent from the
maths may be really necessary in the circumstances. For temples
a little more than 3 per cent, viz., 4 per cent may be fixed. The
exact rate may be arrived at after deciding the amount required
for expenditure. Anyway, there must be a kind of correlation
between the services rendered in regard to the classes of institu-
tions and the amount of contribution we take. That is one factor
which we should bear in mind. Secondly, there should be a feel-
ing that nothing more is collected than what is necessary for
the purpose of meeting the expenses. Section 69 of the old Act
sponsored by the Raja of Panagal contained this provision, namely,
that every religious institution, math or temple shall pay the
amount of contribution required for meeting the expenses of the
Board. No doubt, in this Bill we say 'in respect of the services
rendered by the Government'. I have some objections to the
presence of that phrase 'services rendered by the Government'. It
may well be changed into 'services rendered by the Commissioner'.
He is to be a 'corporation sole'. Then again there should be
differentiation with regard to the amount of contribution levied
from the various classes of institutions. Thirdly, Sir, this is what
I object to most seriously and I have given notice of an amend-
ment which I intend moving at the proper stage of the discussion.
It is this, namely, a new provision has been added by the Assembly
empowering the Commissioner to allot from this surplus fund,
if any, sums required for poor and needy religious institutions.
That *ipso facto* indicates that the Government contemplate the
collection of something more than what is necessary and therefore
a surplus. In fact there may be a surplus, but, if we already
begin to legislate for a surplus, then something would be said
when the matter is taken to a Court. Therefore we must make
it clear that nothing we do and say contemplates the existence
of any surplus. We may consider all these aspects in the compre-
hensive legislation. Let us not proceed in a hurry.

"There are also difficulties in the matter of administration.
As regards past collections, collections made after the passing of the
Act of 1951 would become illegal under the provisions of the judg-
ment of the Supreme Court. At the same time, everybody recognizes
that it would be impossible for the Commissioner or the Board to
refund these amounts. There is no reason why those institutions
should escape assessment merely because of the Supreme Court
judgment. What I wish to say is 'Let us not validate it. Let
us not give expressions to a view that we are passing
a provision in the teeth of the observations of the Supreme
Court'. The Commissioner must have lawful authority to levy
and collect the contribution for three years and then in case a
claim is set up for refund, he must have the authority to set it

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off. The amendment which I propose will be as follows: 'It shall be lawful for the Commissioner to levy and collect a contribution at the same rate as that prescribed in the previous subsection for the period during which the Act of 1951 has been in force and to set off this against any claim for refund of the amount paid as contribution on the ground that the payment was illegal in pursuance of the decision of the Supreme Court'. This provision, I think, will get over the difficulty which is felt in regard to the validation of past enactments. Therefore, in regard to those provisions which have been declared void by the Supreme Court, except with regard to Section 76 and the consequential provisions, I feel that the Government have done all that they could to remedy the defects pointed out by the Supreme Court. With regard to Sections 39 and 52 they have introduced new provisions. With regard to Section 39, I feel it is debatable and with regard to Section 52, the language employed may lead to some doubt. On the whole, the most fundamental provision seems to be Section 76. Without such a contribution, the administration could not work. Every care ought to be taken to see that in future the administration is allowed to collect the contribution peaceably and to appropriate it peaceably and no room should be given for anybody interested to go and question the contribution in a Court of law. Except for those sections, I really feel that there is not very much to be objected to in this Bill and I, for one, welcome the introduction of this Bill and I hope that the Government will take steps to remedy the small defects which I have pointed out above."

* SRI G. KRISHNAMOORTHY:—"Mr. Chairman, Sir, I beg to oppose this Bill with all the vehemence at my command. This Bill, in my opinion, is an attempt to tread on very delicate grounds. It is an attempt to tread on grounds that have stood the test of times for thousands and thousands of years. It is an attempt on the part of the secular Government to go against the convictions of the people, especially of a particular denomination called the Hindus. It is an attempt on the part of the Legislature to discriminate between one community and another community in a State called a secular State where we have a Constitution and special provisions under Articles 25 and 26. Article 26 clearly lays down: 'Subject to public order, morality and health, every religious denomination or any section thereof shall have the right to establish and maintain institutions for religious and charitable purposes, to manage its own affairs in matters of religion, to own and acquire movable and immovable property and to administer such property in accordance with law.' Now, the attempt on the part of the Hindus for the last so many years has been only to do all those things contemplated in this Article. They are maintaining religious institutions. They are owning properties which are administered in accordance with law. Somehow or other, when the Britisher was here, under Regulation 7 of 1817, the British administration took hold of the temples and other religious

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institutions. In 1842 and later in 1863 they thought it fit not to interfere with religion and then they thought of constituting a non-official Board. An Act was passed in 1925 and it was amended later in 1951. But after the introduction of the Constitution by which we rule ourselves, I do not know how far we are within the powers vested in us by the Constitution in setting up certain standards for institutions run by a particular religious denomination called the Hindus. Article 25 says clearly that nothing in that Article shall affect the operation of any existing law or prevent the State from making any law regulating or restricting any economic, financial, political or other secular activity. The word 'religious' does not find a place there. So, a secular Government can legislate in respect of religious institutions with regard to economic, financial and political or other secular aspects. The word 'religious' has been purposely omitted there to safeguard the rights of a particular denomination like the Hindus. Again, Article 30 lays down: 'All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice and the State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.' If we read together Articles 25, 26 and 30, it will be clear that the intention of the framers of the Constitution was not to interfere with religion at all. They wanted to promote religion. It has been said that a minority can administer an educational institution and grants cannot be refused to an institution simply because it is run by a minority. Freedom is given to the minority or majority or a particular religious denomination to run an institution and the State should not make any discrimination in granting aid to such an institution.

"Again they say we shall have freedom to follow a particular religion. Government cannot interfere with religion except in matters which affect the financial, secular, economic or political aspects of Government. But here by this Bill we want to wound the feelings of lakhs and lakhs of people who regard the head of a math as a person incarnate. By this Bill we want to make him, as the hon. Member, Sri Balasubramanya Ayyar, pointed out act as per the dictates of a Commissioner, a nominee of the Government. There will be this Commissioner over the head of this *Acharya* who has all along been regarded with reverence and worshipped by lakhs and lakhs of people. Is it right on the part of the Legislature and a secular Government to try to impose restrictions upon a particular denomination called the Hindu society?

3-10
p.m.

"I submit, Sir, that legislation of this type is not warranted after the introduction of the Constitution in our country. It might have been right, it might have been quite proper before the introduction of the Constitution, but it cannot hold water after the introduction of the Constitution. As I already pointed out, the

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head of a math is a person who is held in very high esteem by lakhs and lakhs of people. How is it that through this legislation we try to question the private life of the head of the math? We have gone so far as to introduce a provision saying that if the head of the math is found to be immoral and so on he can be removed, of course, with the help of a Court of law. Who is to go to a Court of law? The Commissioner can go or some two persons under the authority of the Commissioner can go to a Court of law. We fully know that no head of a math would brook the idea of going before a Court of law in order to defend himself and to continue in the post. To what state have we reduced the Hindu society, to contemplate the introduction of such a provision in a Bill and try to get it through a Legislature like this? Do we think that we can study the private life of any individual? Can my private life be studied by any individual except myself? Nobody can do that. My own conscience cannot do that easily. That being so, what about studying the private life of the head of a math? The provision authorizes a public man, a man in the road, not connected with the religion, to study the private life of the head of the math. This is a very serious thing which hon. Members of this House have to take notice of. Any petition under the authority of the Commissioner sent by two persons, adults over 21 years of age, will have the effect of driving the head of the math who has been held in very high esteem by lakhs and lakhs of people for thousands and thousands of years, to the Court. He will be made to stand before a Magistrate or District Munsif for the purpose of answering questions. This is something which ought not to be thought of by us at all.

“ Then there is the question of surplus funds. There were arguments for and against the fact that we can have surplus. I say there cannot be any surplus. I have yet to see a temple in South India, big Dravidian-style temples where the *gopurams* are renovated at the cost of the Government or at the cost of the temple funds without the aid of public subscriptions. Most of these *gopurams* are in a dilapidated condition. I think on the sacred floor of this House I put interpellations about the plants growing on the big *gopurams* of the Tiruvanaikaval and Srirangam temples. No action has been taken to remove those plants which are growing bigger and bigger. The endowment office is there. The trustees are there. They do not care to remove these plants. These are an eye-sore to the stranger who visits the temples. But perhaps familiarity might have made these people blind to these things. When they are not able to remove these plants, do the Government think they will renovate the *gopurams*? This will cost lakhs and lakhs of rupees. Of course, if the Government do not want to effect these improvements and renovate the *gopurams*, they can have a surplus out of these funds. But if they take up renovation alone, the institutions will be landed in deficits for hundreds and hundreds of years. We cannot talk then of a surplus at all. There are temples and temples in South India. What do

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we find? They are being allowed to decay. In olden days, we used to say that kings used to dig big tanks and build temples with the help of the mud dug out. Nowadays, it has become the fashion of the Government to allow the temples to decay and fill up tanks with the debris of the temples built at great cost and enthusiasm. If we want any great examples of Community Projects and National Extension Blocks and things done by co-operative effort, all these *gopurams* are the monuments of such effort. They had no First Five-Year Plan or the Second Five-Year Plan. Co-operative effort over a period of twenty or thirty years produced all these fine and beautiful things. After the passing of many Acts, and after the formation of the Hindu Religious Endowments Board to look after these things, they are allowed to decay.

“ Now, Sir, we are trying to raise the fee payable by these institutions, from 3 per cent to 5 per cent. The Supreme Court has ruled that this is a tax and not a fee. It is a tax inasmuch as there is some surplus left out of the fee collected. The fee collected must be only for the actual working of the department. The hon. Member, Sri Balasubramanya Ayyar, has pointed out in his dissenting minutes that there is a surplus of 40 lakhs of rupees when the Government have been levying only a fee of 3 per cent. That being so, what need is there to raise the fee from 3 per cent to 5 per cent? Then, in addition to this, we have the usual auditing fee of one and a half per cent. I would submit to the hon. Members of this House that there is no necessity to enhance this fee from 3 per cent to 5 per cent.

“ Then, Sir, even in this Bill, we have a provision regarding *pathakanika*. *Pathakanika* is a gift made to the head of the math with due regard to the sanctity and austere life led by the head of the math. It is a personal gift. All along, the law has treated it only as a personal gift that can be utilized by the head of the math at his discretion for the advancement of the math. There should be no dictation over that. There should be no restriction placed on the utilization of that. There should be no official pressure put on the use of this *pathakanika*. The Supreme Court went to such an extent as to say that the court had no jurisdiction over this *pathakanika* because it has been, is, and must be treated as a personal gift made to the head of the math. Now this *pathakanika* is collected by the Hindu *gurus* from the public. The public go to them and give them this *pathakanika* in due reverence, in due admiration of the qualities of the head of the math. When it is an evident fact that the head of the math is able to get the *pathakanika* only on account of his conduct as head of the math, it is but right that that *pathakanika* should be purely treated as a personal gift over which the Government or the department should have no right whatsoever. When this *pathakanika* has been treated like this, we find a provision made in this Bill that the receipts in respect of *pathakanika* alone need be recorded and not the expenditure. When it has been declared unequivocally that this does not

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come under the regular income of the math, what point is there in our legislating that a separate account shall be kept of the receipts from *pathakanika*? Is it so simple to find out how much money is made by the head of a math by way of *pathakanika*? Is it the object of the Government that if they include *pathakanika* in this Bill, they can include this as a regular item of receipt in the comprehensive Bill that is now under contemplation? Is it with that motive they have included it in this Bill? I should like to have enlightenment on this from the Hon. Minister in charge of the Bill.

"Sir, a solution to all these problems has been indicated by a Member of the Joint Select Committee in his dissenting minute. We can have a statutory board. By all means, let the Government leave it completely to the Hindus. They know how to take care of themselves. This is an age of democracy. Everywhere we find Hon. Ministers and Congressmen crying and preaching democracy. They want that every man should be allowed to take care of himself. They want that every layman should take interest in every project. But why in this matter alone should they curb the planning heads and aiming hands of lakhs and lakhs of people of the Hindu fold from conducting their own affairs, especially affairs connected with their religious life? Religion is a thing which is to be lived up to and not that which is preached. It is what is meant by culture. If a man is a religious man, he is a cultured man. We say one is cultured in so far as he is religious.

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"Now, if we want really cultured men, we must really have men with good habits, and these habits are formed by religion which must be lived up to and not merely preached. If we want men of good habits, God-fearing and loyal people, they must be religious. Religion has had its own growth all these years without any limitation from the Legislature. But we are just trying to poke our nose into the affairs of a particular religion (which may be a majority religion) which affects everybody and particularly lakhs and lakhs of people in this State. In these democratic days, it is better that we leave these things to be settled by men professing that religion. They will not lose their interest and, if the head of a math goes out of the way, there are so many of his disciples to correct him. After all, Sir, the disciples are there to study him at close quarters and they are the best judges. Also, there may be competition even among the disciples to get that place. Therefore, it is better for the Government not to interfere in the affairs of these institutions. As I suggested to hon. Members of this House just now, as a final solution to this problem, a statutory board consisting of the learned men of various sub-sects under the Hindu religion and a few heads of maths may be formed by the Government and the administration of temples and maths may be left to this board. There can be no objection to this proposal unless the Government think that they should interfere in the affairs of religious institutions."

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* SRI K. BHASHYAM :—“ Mr. Chairman, Sir, this Bill seeks to modify and make certain amendments in respect of the Hindu Religious and Charitable Endowments Act passed in 1951. Even at that time, there were many hon. Members of the then Legislature who felt that the Government should not interfere in matters of religion and there were strong objections to it but still the Government went on with all the force at their command to pass that legislation in both the Houses of the Legislature. I think, many hon. Members at that time pointed out that some provisions of the Act were really unconstitutional and should not be passed but the Government was adamant and obstinate and they said that they would go on with it in spite of the advice that has been given to them at that time. So, the matter was taken to the courts and we know what has happened there. The result is that the Supreme Court has declared some sections of the Act *ultra vires* of the Constitution. Now the Government come back to the House not even with an apology for what they have done in spite of advice but for the purpose of—if I may use that expression—‘ getting round ’ the judgment of the Supreme Court. It is somewhat distasteful to use that expression and they also do not use it but they do it all the same. They want to get round the judgment of the Supreme Court in a devious way. This is only a devious legislation for the purpose of getting over the judgment of the Supreme Court.

“ In the first place, I would like to point out that the original Act itself is a cumbersome legislation combining all matters relating to religious institutions, charitable institutions, Hindu and Jain religious institutions and maths. That legislation wanted to combine all the four institutions together in one Act, with the result that the legislation was made so cumbersome and so difficult of application. For instance, the Jains may not like to have Hindus appointed to administer the Jain temples. Therefore, it would have been better if the Government had followed the advice of the people at that time that each class of religious or charitable institution is treated separately and legislated upon. That would have been more satisfactory but they have not done so, with the result they got into trouble with the Supreme Court which declared that ‘ maths ’ are separate class by themselves. Sir, the maths are not ordinary religious institutions. They are all denominational institutions, institutions which are governed by Article 26 of the Constitution which says that denominational institutions shall be managed by the same denomination and the Government or for that matter anybody else have no right to interfere in the affairs of these institutions. The provisions relating to denominational institutions are certainly different and distinct from the provisions applicable to ordinary religious institutions which are denominational in character but only denominational in the sense that they are Hindu temples. Sir, the superstructure of the old Act was bad and therefore we pressed the Select Committee for their being treated separately. The Government, however, were good enough

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to promise that they would look into all these matters and bring in a comprehensive legislation later on by appointing a Committee. But I am not one of those who believe in committees and conferences. At least I am not a believer in committees as are appointed by the Government. After all, these committees and conferences are held to give approval to the proposals made by the Government. Simply because the Government appoint a committee, they feel that the committee must approve the policy of the Government. Sir, if it is a committee of experts presided over by an impartial person, I can accept it but, if it is a committee consisting of Government officials or members of their own and the like, I cannot accept the recommendations of that committee. Now that the Government have come forward with an offer that they will really appoint a committee to go into the whole thing, I think, we can accept the present Bill for the purpose of meeting the situation created by the judgment of the Supreme Court.

“ Now coming to the present Bill itself, I cannot understand the argument of the Government that there is some urgency for it. I would like to know, what is the nature of that urgency? The judgment of the Madras High Court is much more stringent than the judgment of the Supreme Court. Things have been going on all right and nothing has happened and the Heavens have not fallen down and, therefore, there is no urgency in regard to this matter. If the Government are really wise, they can wait for the whole Act to be gone into again by the committee promised by the Government or till separate legislation is brought forward for each institution. Therefore, I cannot see any urgency in respect of this matter. Even if there is urgency for this Bill to meet an emergency, it should confine itself only to meet that situation. As pointed out by my hon. Friend, Sri T. M. Narayanaswami Pillai, this Bill goes beyond and farther than what the Supreme Court has done. The Government cannot justify it by saying that these are not fundamental matters but only matters which affect ordinary things. That is not the way to justify it. The Government must justify it wholly and fully. The Government cannot justify it even though it may be a small matter.

“ Now, I would like in this connexion to refer to Section 21 of the principal Act which deals with the entry into temples. As a matter of fact, it was so stringent that the Supreme Court declared it *ultra vires* of the Constitution.

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“ The Supreme Court said that, if reasonable notice was given and if the practices and usages of the institution were observed, there might not be much of a difficulty in this regard. What they said was of a permissive nature. It was really a sort of ‘ left-handed ’ permission which they gave. This was in favour of the Government and they therefore took it up and improved on it. The expression ‘ shall, if practicable, give notice to the trustee and shall have due regard to the practices and usages of the institution ’ in sub-section (3) of the new section 21, takes the whole thing away.

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I am reminded of the olden days when the British Government used to say that Indians would be appointed to higher posts provided they were found to be competent. This Government are also playing the same game as the British Government. What is the point in saying that they follow the directions of the Supreme Court when in giving effect to them the whole force of the arguments of the Supreme Court is taken away? What are the circumstances when it is not possible to give notice? Suppose a murder is committed inside the temple or a theft of the temple properties takes place. There are provisions in the Penal Code to meet such cases. Therefore, there is no need for the words 'if practicable' to be included. I do not see any reason why the Government should really arm themselves and the Commissioner with all sorts of powers. We have been legislating from 1922—even from 1865—for improving the tone of the administration of the temples. Everywhere it has been admitted, even hon. Member Sri T. M. Narayanaswamy Pillai himself would admit it, that there has not been much of an improvement. There might be a number of persons sitting on chairs in front of tables with their hats and boots on and there might be big bound books which contain all the entries relating to the temple. This is all that has taken place. The questions which are of importance are, whether the *poojas* are being performed properly and whether the *archakas* and others are doing their duties properly. Of course, these things depend upon the person who administers the affairs of the temple. If only the Government had accepted my suggestion that only persons who are Hindus and who practise Hinduism should be appointed as such officers, it would have been better. But the Government appoint all sorts of persons, persons who do not feel in the same way as orthodox people feel in respect of temples. If you will excuse me, Mr. Chairman, I feel very strongly over this matter. I know of a particular gentleman who was appointed as Commissioner for a very big temple. I was there inside the temple with him when *prasadam* was being offered. It took a little time and because he had to stand all the time he asked 'What is the necessity for all these things?' 'May I know', Sir, he said 'if God really partakes of the *prasadam* that is offered, is there any privy or a private place for Him?' Let me not be misunderstood. There are exceptionally good Commissioners but not all Commissioners are like that. I know many persons who are really smoking inside the temples and walk about with their boots and hats on. I really know all these and let not anybody imagine that I am not in the know of these things."

SRI M. P. GOVINDA MENON :—"There are matadhipatis also who smoke inside the temples."

* SRI K. BHASHYAM :—"Sir, I would like to inform the hon. Member that I am not speaking about matadhipatis now. What I was criticizing was the attitude of the Government in respect of these religious institutions. They must have more faith, more confidence and more religious feeling in this matter. They should not say that being a secular Government they do not believe in

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religion. They must really believe in religion and appoint only persons who believe in religion. I am only pleading for that. The Government somehow want to get round section 21 of the Act and the words 'if practicable' in regard to giving notice to the trustee is something wonderful in its enunciation because nothing is known about it in our law books.

"Coming to the *cypres* application of surplus funds, hon. Member, Sri T. M. Narayanaswamy Pillai, wanted to know why the surplus funds should not be appropriated for religious, educational or charitable purposes. I quite appreciate it. But, if he himself was in charge of a temple, I am sure, he would not show any surplus. It is really so because these institutions are now growing in importance and in these days of atheism it is necessary that propaganda must be carried on and to make it as effective as possible crores and crores of rupees will be necessary and not merely the small sums that would be left over as surplus. Certainly the Government must come forward to help people become more religious and more truthful in their dealings with each other. If the Government do not do so they will be feeling the effect of it soon. I would appeal to the experience of hon. Member, Sri T. M. Narayanaswamy Pillai, and would ask of him whether the charitable instincts of the people have developed or whether they have gone down since the passing of these Acts. I am told that the fountains of charity have all dried up."

* SRI T. M. NARAYANASWAMY PILLAI :—"Sir, there are many instances where the charitable instincts of the people have taken a shape and form beneficial to the public on the advice and guidance of the Commissioner. It is wrong to think that the Commissioner is a sort of Administrator, pure and simple. It is not as if he passes orders on paper all the time. Very little in that direction is necessary. He is the friend, philosopher and guide who co-ordinates and regulates these institutions."

* SRI K. BHASHYAM :—"Sir, I am glad that hon. Member, Sri T. M. Narayanaswamy Pillai, has all the qualifications of an ideal Commissioner. While in office he made a good Commissioner. Not all Commissioners are like him. I would only ask of him 'What about your colleagues, were they as good as yourself?' Are the persons who are now being appointed as good as himself? We are legislating for all kinds of people and, therefore, let us be careful."

"Coming back to the question of *cypres* application of funds, I think the previous speaker, hon. Member, Sri V. Bhashyam Ayyangar, pointed out that it was possible to create an artificial surplus. I do not wish to say how it could be done lest others adopt it but I have to do so for the sake of argument. There is now an idea that plenty of money is available in the temples and is being wasted on some *tamashas*. Questions are asked as to why there should be *poojas*, why there should be flowers and why there should be *naivedhyams*, etc. Such ideas are being sedulously fostered

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even by persons in authority and sometimes even the Minister in charge says that the money should be set apart for orphanages. Sir, this being a religious matter, I would like to have some more time."

MR. CHAIRMAN :—" Yes, but the hon. Member should not take too much of the time of the House."

SRI K. BHASHYAM :—" Sir, I was saying that originally the policy of the Government was to divert the surplus to orphanages. Under one Minister it was all earmarked for leprosy relief work and in the case of yet another it was all for university education. Therefore, the policy changes with the Government or with the person in charge of the department. What happens is that every Commissioner feels that he is bound to show some sort of a surplus, however artificial it may be, for purposes of contributing to such causes. It is but quite natural and I am not blaming anybody. Anybody in such a position must naturally conform to the policy of the Government and, if he did not do so, he would not be a loyal servant of the Government. As a matter of fact the budget of the institution is controlled and the *dittam* is also controlled. It is rather a complicated question to decide what the surplus is. The new section 31 under clause 3 of the Bill says—

' (1) The Commissioner may, after holding an inquiry in such manner as may be prescribed, by order, declare that, after satisfying adequately the purposes of the religious institution and after setting apart a sufficient sum for the repair and renovation of the buildings connected with the math or the temple or the endowments attached thereto, there is a surplus which is not required for any such purpose, and may, by such order, direct that such surplus as is declared to be available, as the case may be, be appropriated to religious, educational or charitable purposes ; '

Sub-section (2) of this new section 31 says—

' (2) It shall be competent to the Commissioner when giving a direction under sub-section (1) to determine what portion of such surplus shall be retained as a reserve fund for the math or temple and to direct the remainder to be appropriated to the purposes specified in that sub-section.'

How can there be any surplus without providing for a reserve? (Interruption.) Whenever the hon. Member, Sri T. M. Narayanaswamy Pillai, intervenes it is the official in him that speaks and not the true religious man in him that speaks. Even the framers of the Bill had felt great difficulty in finding where the surplus is. In the case of the temples, repairs have to be done at very great cost and in the case of the maths the question of religious propaganda is coming to the fore nowadays. Therefore, there cannot be any surplus. Again, how is this surplus, if any, to be spent? It is said this surplus is to be spent for religious, educational or charitable purposes which may not be connected with the temple or the math or even with the place where the temple or math is situated. I can understand the persons of the locality being benefited by any surplus left over. But, as it is, a temple somewhere in Madurai may be asked to contribute towards scholarships in a girls' school in Mylapore.

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“ Anyhow, I want to point out to the hon. Members of this House the absurdity of adopting the *cypres* doctrine in the matter of disposal of surplus funds of endowments. In case there is a surplus in an endowment, it should only be used for purposes which are very similar to the one for which the endowment is intended. But according to the new section—section 31—provided for in clause 6 of the Bill, if there is a surplus the Commissioner may by an order direct that such surplus may be appropriated to any religious, educational or charitable purposes. This section seems to be absurd and ridiculous. The disposal of surplus funds, if any, must be completely left to the denomination. Supposing in a math the Commissioner declares that there is a surplus fund of one lakh of rupees every year from the income of the math. According to section 31 contained in clause 6 of the Bill, this one lakh of rupees will be distributed all over the State for educational or charitable purposes like opening of technical and professional colleges, opening of colleges for girls, etc. If we approve of this section, it will only come to that. The benefit of the surplus fund in any math must go to the members of the denomination to which the math belongs and it should not be distributed to the various charitable institutions by the Commissioner as stated in this section. By distributing the surplus funds to the various charitable institutions under the orders of the Commissioner, the intentions of the original founders of the endowments are not fulfilled. Of course, it has been provided in this section that the trustees or any other persons interested in the endowment may institute a suit in a Court of law to modify or set aside orders issued by the Commissioner under this section. But fighting in a Court of law involves lot of trouble and fighting with the Government is a very difficult affair. I know the difficulties of fighting in a Court of law. The parties may have to engage an advocate and have to pay a heavy sum as his fees. If the parties incur an expenditure, say Rs. 200, towards fees for the advocate, the Commissioner may later on ask the parties why such a large sum was spent towards payment of fees for the advocate. This is the most mischievous section in the Bill.

“ I do not wish to take more time of the House and tire the Members with my views on the other provisions of the Bill. I wish to make only a few more observations.

“ Clause 10 which amends Section 52 of the principal Act of 1951 gives three more grounds on which the Court may be moved for the removal of the trustee. These grounds are not found in the old Act. The Supreme Court in their judgment have not referred to anything in this section. It is stated that these new grounds have been introduced to prevent waste of funds or properties of religious institutions by the trustee of a math or a specific endowment. Here I may point out that one single instance of wastage of property, as per the provisions of this section, may be enough to displease the Commissioner. Suppose a matadhipati or a trustee of a math wants to present a shawl to a pandit who may not be quite a pandit. The Commissioner may think that it is waste of funds of the math and may institute a suit in a Court to obtain

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a decree for removing the trustee or the matadhipati of the math. At least I can understand it if it has been stated in the section 'persistent and wilful waste'.

"Then according to Clause 11 which substitutes a new section for Section 55 of the principal Act the trustee of a math shall keep regular accounts of receipts of *pathakanika*. If a particular matadhipati or a trustee of the math who is entitled under the Act to spend the said *pathakanika* claims the *pathakanika* as his own, he can only be proceeded against for breach of trust. This new section may be used for harassing the trustees and heads of maths and it is not conducive to their dignity. Again I wish to refer in this connection to amend Section 52 which deals with the powers of the Commissioner to institute a suit in a court for removing the trustee of a math for any one or more of the reasons stated in that section. I am somewhat responsible for the change made in sub-clause (h) of sub-section (1) of Section 52 at the Joint Select Committee. Sub-clause (h) which originally read 'leading a life inconsistent with the sanctity attached to the office of head of the math' was, at my instance, changed into 'leading an immoral life or otherwise leading a life which is likely to bring the office of the head of the math into contempt'. I preferred this as the lesser of the two evils. These are all matters which must be left to the denomination and it is not for the court or for the matter of that even for the Commissioner to interfere in all these matters. I want to point out the danger. Supposing if a previous matadhipati kept only accounts of receipts of *pathakanika* made to him and did not keep accounts of disbursements and a succeeding matadhipati is asked to account for all the receipts of *pathakanika* received by his predecessor he may not be in a position to do so. As per the provisions of this section, he may be charged for breach of trust, for not accounting for all the receipts of *pathakanika* of his predecessor. Perhaps, there will be some sense if it has been stated in the section that the matadhipati shall keep an account of all receipts and expenditure of *pathakanika* received by him. If only a matadhipati is asked to keep accounts of receipts of *pathakanika* alone, his successors are sure to get into trouble. I consider that the original section in the principal Act be left as it is and if a matadhipati claims any portion of the *pathakanika* as his own property he can always be proceeded against for breach of trust.

"With reference to Section 82 contained in Clause 16 of the Bill, I wish to make one or two remarks. This section is not clear. I wrote to the Chairman of the Joint Select Committee to have a further meeting of the Joint Select Committee to consider this particular section but he would not do it as the Bill had already been passed by the Joint Select Committee. This section says:

"82 (1) "Contributions under Section 76 (1) and further sums under Section 76 (2) shall be payable with effect from the commencement of this Act. For the period from the commencement of this Act until the commencement of the Madras Hindu Religious and Charitable Endowments (Amendment) Act, 1954"

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I do not understand what the words 'for the period from the commencement of this Act, until the commencement of the Madras Religious and Charitable Endowments (Amendment) Act, 1954,' mean. I thought that the Government are only validating all contributions levied previously. But it looks as if the Commissioner may ask religious institutions to pay arrears of contributions for a period of three or four years. This will cause a lot of hardship to religious institutions because they would have spent all the money and they would have nothing available to contribute. To say that all these arrears are collectable by attachment of jewels or even properties of *maths* is wrong. I do feel strongly that in all religious matters Government interference should be minimum.

"Government have taken charge of several departments and they have not been able to manage them properly. They have not got the necessary staff to man these departments and administer them efficiently. I ask, why then they should take another department under their control?"

* SRI A. GAJAPATHY NAYAGAR :—“கனம் மன்றத் தலைவர் அவர்களே, ஹிந்துமத அற நிலையப் பாதுகாப்புச் சட்டத்தை எதிர்த்து என் நண்பர்கள் பலர் அடுக்குச் சொற்களில் ஆங்கிலத்தில் பேசிவிட்டார்கள். ஆனால் இச்சட்டத்தின் அவசியத்தை நன்றாகக் கவனித்துப் பார்த்திருப்பார்களாவை இதுமாதிரியாகப் பேசியிருக்கமாட்டார்கள் என்றே எண்ணுகிறேன். ஹிந்துமத அற நிலையங்களும், ஆலயங்களும் எந்தக் கொள்கைக்காக ஏற்படுத்தப்பட்டனவோ அந்தக் கொள்கையைக் கடைப்பிடித்து நடந்து வருவதாகத் தெரியவில்லை. கொள்கைக்கு விரோதமாக அவைகள் நடந்து வருமானால், அவைகளைப் பார்த்து மக்களும் நல்ல கொள்கைகளை விட்டு விடக்கூடும். மக்கள் வாழ்வ நன்றாக இருக்கவேண்டுமென்றால் அவர்களது சமய ஸ்தாபனங்களும் நல்ல முறையில் நடப்பது அவசியம். இந்தக் கொள்கையை அடிப்படையாகக் கொண்டு தான் இந்தச் சட்டமே கொண்டுவரப்பட்டிருக்கிறது. அப்படியானால், இதனால் எப்படித் தீமை உண்டாகும்? சமயப் பாதுகாப்புக்காக ஏற்படுத்தப்பட்ட ஸ்தாபனங்களே சமயத்திற்கு பாதகம் விளைவித்துக் கொண்டு வருகின்றன என்று சொன்னால் அவைகளைத் திருத்த வேண்டியது நம் சர்க்காரின் கடமையல்லவோ, என்பதைப் பார்க்க வேண்டும். இதை அடிப்படையாகக் கொண்டு தான் செக்ஷன் 20 ஏற்படுத்தப்பட்டது. நாம் எவ்வளவோ இடங்களில் பார்த்திருக்கிறோம். கோவில் தர்மகர்த்தாக்கள் யாருக்கும் தெரியாமல் கோவில் நிலங்களைப் பல இடங்களில் விற்றுவிட்டதைப் பார்க்கலாம். மைலாப்பூரிலுள்ள திருவள்ளுவ நாயனார் கோயிலுக்கு 120 ஏக்கரா நிலம் இருந்ததாக அறிகிறோம். ஆனால் இன்றைக்கு 1½ ஏக்கரா நிலம் தான் அதற்கு இருக்கிறது. இம்மாதிரி பல கோவில்களின் சொத்து வீணாக்கப்படுவதைத் தடுக்கவே பனகல் ராஜா அவர்கள் நல்ல எண்ணத்தோடு ஒரு பாதுகாப்பு மசோதாவைக் கொண்டு வந்தார்கள். தனியாக ஒரு போர்டை நிறுவி அறநிலையங்களின் நிர்வாகத்தைச் செம்மை படுத்தத் தக்க நடவடிக்கை எடுத்தார்கள். இந்தக் கொள்கை தவறு என்று யாரும் சொல்ல முடியாது. இதன் அடிப்படைக் கொள்கையை ஒப்புக்கொண்டுதான் 1951-ம் ஆண்டுத்திய சட்டம் வந்தது. இந்தச் சட்டத்தில் சில பகுதிகள் செல்லுபடியாகாது என்று ஹைக்கோர்ட் தீர்ப்பு அளித்திருக்கிறது. இப்படி ஹைக் கோர்ட் செல்லுபடியாகாது என்று சொன்ன சில பகுதிகள் செல்லுபடியாகும் என்று சுப்ரீம் கோர்ட் தீர்ப்பு அளித்திருப்பதோடு எந்தப் பகுதிகள் செல்லுபடியாகுமென்று ஹை கோர்ட் சொன்னதோ அந்தப் பகுதிகள் செல்லுபடியாகாது என்றும் சுப்ரீம் கோர்ட் தீர்ப்பு அளித்திருக்கிறது. இந்த மாதிரியாக இதில் சில கருத்து வேறுபாடுகள் இருப்பதைக் காண்கிறோம். பொதுவாக இரண்டு விஷயங்களில் தான் இந்தக் கருத்து வேறுபாடு நிலவுகின்றது. அவைகளைப் பற்றி

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இப்பொழுது நேரமில்லாத காரணத்தினால் பொதுவாக நான் சொல்லுகின்றேன். பின்னால் ஷரத்துவாரியாக இந்த மசோதாவைப் பரிசீலிக்கையில் அவைகள் ஒவ்வொன்றைப்பற்றியும் தனித்தனியாகப் பேசுகின்றேன். கணம் நண்பர்கள், ஸ்ரீ பாலசுப்ரமணிய அய்யர், ஸ்ரீ பாஷ்யம் இவர்கள் சொல்லுகின்ற வாதத்திற்கு எல்லாம் நான் விவரமாகப் பதில் சொல்லுகின்றேன்.

“முதலாவதாகப் பாதகாணிக்கையை எடுத்துக் கொள்வோம் பாதகாணிக்கை என்றால் எல்லோராலும் குருவாக மதிக்கப்படுகின்ற ஒரு பெரிய வரின் பாதங்களுக்கு அர்ச்சனை பண்ணும் போது பூவும், பொன்னுமாகச் சேர்த்து அர்ச்சனை பண்ணுவதன் காரணமாக அளிக்கப்படும் பணங்கள் பாதகாணிக்கை என்று சொல்லப்படுகிறது. ஆகவே பாதத்திற்கு வரும் பணம் பாத காணிக்கை ஆகும். அதை விட்டுவிட்டு 5,000 ரூபாய் வருமானம் வரக்கூடிய நிலத்தை 2,000 ரூபாய்க்கு குத்தகைக்கு விடுவதும், இன்னொரு ஆயிரம் ரூபாயைப் பாதகாணிக்கையில் வந்த பணம் என்று சொல்லி கணக்குக் காட்டுவதும் பல இடங்களில் நடைபெற்று வருகின்றது. இதை இல்லையென்று யாரும் மறைத்துப் பயனில்லை. அப்படி இருக்கும் போது பாத காணிக்கை எவ்வளவு வந்தது என்று உண்மையாகக் கணக்குக் காட்டச் சொல்வதில் தவறு என்ன இருக்கிறது என்று தான் நான் என் நண்பர்களைக் கேட்கிறேன். பாதகாணிக்கைகளை அவர்கள் இஷ்டம் போல் செலவு செய்து கொள்ளட்டும். ஆனால் கோயில் சொத்தை எல்லாம் பாத காணிக்கையாக மாற்றுவது தவறு. அதைத் தடுக்கத் தான் சர்க்கார் இதில் ஒரு ஷரத்து போட்டிருக்கிறார்கள். அதை எதிர்ப்பது சரியாகாது.

“அடுத்தபடியாக முன்பு 3 சத விகிதம் நிர்வாகச் செலவுக்காக ஒவ்வொரு மடத்தின் மொத்த வருமானத்திலிருந்தும் சர்க்கார் பணம் பெற்று வந்தார்கள். இம்மாதிரி இனத்தில் வந்த பணத்தில் ஆண்டு தோறும் 8 லட்ச ரூபாய் செலவு செய்தும் கூட 40 லட்சம் மீதம் வைத்திருக்கிறார்கள். நூற்றுக்கு 3 ரூபாய் வரும்போதே 40 லட்சம் ரூபாய் மிச்சம் ஏற்பட்டது என்றால் பாக்கியிருக்கும் 97% வருமானமும் அந்தந்த ஸ்தாபனங்களிடமே தான் விட்டு வைக்கப்பட்டதே! அவர்களுக்கு ஏற்பட்டு வந்த மிச்சம் எவ்வளவு என்று ஒழுங்காகக் கணக்கு காட்ட அவர்கள் தயாராக இருக்கிறார்களா என்று நான் கேட்கிறேன். அவர்கள் நல்ல முறையில் நிர்வாகம் நடத்திக் கொண்டு வந்திருந்தால் நிச்சயம் மிச்சமிருக்கும். அப்படிச் செய்யவில்லையென்றால் நிர்வாகம் நல்ல முறையில் நடக்கும் படியாகச் செய்வது நம் சர்க்காரின் கடமை. இந்தப் பொறுப்பை சர்க்கார் நிறைவேற்றாத வகையில் தடைபோடுவது சரியல்ல. இதைச் செய்ய 5% பணம் வேண்டுமென்றால் அதையும் எதிர்ப்பதில் பயனில்லை. தர்மஸ்தாபனங்களின் சொத்தைப் பலர் சாப்பிட்டுவருகிறார்கள். சாப்பிடுவதைப் பற்றி நான் ஆட்சேபிக்கவில்லை. (சிரிப்பு.)

“ஆனால் அவைகளின் நிர்வாகமும் நன்றாக நடக்கவேண்டுமென்பது தான் எங்கள் கொள்கை. குறிப்பாக ஒரு உதாரணத்தைச் சொல்லுகிறேன். முன்பு ஒரு வழக்கு கோர்ட்டுக்கு விசாரணைக்கு வந்தது. பத்து பிராமணர்களுக்குத் தினமும் சாப்பாடு போட்டுக்கொண்டு வரவேண்டுமென்பதற்காக ஒருவர் 5 ஏக்கரா, நிலத்தை தர்மம் செய்திருந்தால், அந்தச் சொத்தின் நிர்வாகி அவ்வாறு யாருக்கும் சாப்பாடு போடவில்லை. அந்தக் வழக்கு விசாரணைக்கு வந்தபோது அந்த நிர்வாகி கோர்ட்டில் சொன்னார். “ஐயா! என் குடும்பத்தில் மூன்று பேர்கள் இருக்கிறார்கள். நாங்கள் மூவரும் மூன்று வேளை அந்தச் சொத்தின் வருமானத்தைக் கொண்டு சாப்பிட்டு வருவதால் ஒரு நாளைக்கு ஒன்பது பேர்களுக்கு சாப்பாடு போட்டதாக ஆகாதா? இன்னும் யாருக்கு சாப்பாடு போடவேண்டும்? என்று சொன்னார். (சிரிப்பு). இதைப்போலத்தான் பல இடங்களில் தர்ம சொத்து நிர்வகிக்கப்பட்டு வருகிறது.

“இது மாதிரியாக சரியான முறையில் நடைபெற்று வராத சமய அற நிலையங்களின் சொத்துக்களை துர்வினியோகம் செய்யப்படாத வகையில் பாதுகாக்க வேண்டியது சர்க்காரின் பொறுப்பாகும். அந் நிலையங்களின்

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p.m.

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வருமானங்களை நல்ல முறையில் செலவு செய்யத்தக்க நடவடிக்கை எடுக்க வேண்டியதும் சர்க்காரின் பொறுப்பாகும். இந்தப் பொறுப்பை ஏற்றுக் கொண்டே இந்த மசோதாவை சர்க்கார் கொண்டு வந்திருக்கிறார்கள். அதற்காக நான் சர்க்காரைப் பாராட்டுகிறேன். அதைவிட்டு சர்க்கார் இம் மாதிரியாக மசோதா கொண்டு வருவதால் ஏதோ சமயத்திற்கே, மதத்திற்கே, சமூகத்திற்கே, பெரிய ஆபத்து வந்துவிட்டது போல வீண் கூச்சல் போடுவதில் பயனில்லையென்று சொல்லிக்கொண்டு என் பேச்சை முடித்துக் கொள்ளுகிறேன்.”

4 p.m.

* SRI T. M. DAIVASIKHAMANI ACHARIAR :—“ Mr. Chairman, Sir, I feel I have an inherent right to participate in this discussion because my forefathers were great sinners in having introduced religions in this country, built so many stupendous temples and carved idols for worship and the emancipation of mankind from the sins they have committed. Sir, feeling my grounds secure in this way, I just try to divide the discussion in this Council into two parts, one judicial and the other commonsense. The judicial points have been very elaborately dealt with by the prominent lawyer members and also by one great authority on matters relating to religious and charitable endowments, hon. Member Sri T. M. Narayanaswamy Pillai. I am not therefore going to say anything about its legal aspects. I want to confine myself to taking a few crumbs that have fallen from the table of my previous speakers and I wish to say a few words about the commonsense view of the whole case. Hon. Member Sri G. Krishnamoorthi was so very kind enough to enlighten this House on the various provisions in and violations of the Constitution and he has made it abundantly clear that this secular Government have nothing to do with religious matters at all. But we are now living in an era where this Act had come to stay even previous to the framing of the Constitution. Therefore, Sir, it is too late in the day to rake up that question now, namely, whether the Hindu Religious and Charitable Endowments Act, 1951, is necessary or lawful.

“ Hon. Member Sri G. Krishnamoorthi has dealt with two other important points. He has drawn the attention of the Government to the fact that the surplus money of the temples in the hands of the Board does not go to the renovation of the temples and the debris of these temples and the dilapidated *gopurams* are being thrown into the tanks. Sir, what he says is quite correct. I fully endorse every word of what he has said. Sir, what is the condition of many of the temples in South India? They are in very deplorable state of disrepair. There is no point in merely having an emblem of a *gopuram* as the seal of the State. What is the underlying fun of it, Sir, if it is not a mere eye-wash? When these temples are falling into decay and while they are falling down piece by piece and stone after stone, is it really the Government's intention to honour these temples which have been built by our forefathers?

“ Then, Sir, the hon. Member referred to the *pathakanika* of the *matadhipatis*. The *matadhipathis* occupy a very high and

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sanctified' religious position in our country. In the olden days they were said to be seers of God and they were guiding their disciples to attain salvation. As spiritual *gurus* are therefore entitled to receive the *pathakanikas*. *Pathakanika* is not a mere gift or presentation of money. It is paid to the madathipathis to get from him some mystic incantations such as *Panchaksharam*, *Shataksharam* and *Ashataksharam*. The madathipathis get the disciples near them, cover them with a silk cloth and then initiate the *mantrams*. For that purpose they are reverently paid *pathakanikas*. What right have the Government got to interfere with the right of the madathipathis and get back the *pathakanikas* religiously and lawfully earned by them? I do not know the *usage* obtaining in other countries and I do not know what the usages of other religions are. I am yet to know, Sir, whether the Bishops or the Popes receive any gifts which are accounted for or thrown away to the general public or given away to the ruling powers. Are they not retaining these things as their own? In the same way, we want the madathipathis to have possession of those gifts which they have rightly earned and they will find the right use for them themselves. My hon. Friend Sri K. Balasubramanya Ayyar referred to surplus funds being utilised for education. I do agree with him if he meant that a certain sort of religious education should be imparted without reference to caste, community or religion. Of course, the education that is given must be able to lead the people to attain the highest form of piety and ultimately reach salvation. It is with that object that these maths and institutions have been founded. I do not advocate that English education should be taught in maths or temples. There is the accepted leader of the Dravida Kazhagam who is crying for these *mantrams* to be translated into Tamil and other regional languages. The surplus should be utilized to the full extent for such a purpose.

"Finally, I now come to the vexed question, that is, the renovation of the temples. The renovation of the temples cannot be done in a day and by every man in the street. The section of the community who are the custodians of the temple art are nowhere to be found to-day in our country. My hon. Friend Sri T. M. Narayanaswamy Pillai, an authority on the subject, will bear me out in my statement. There were ever so many traditional architects in this country, and master builders, who have built the monumental temples of Madura, Tanjore and Srirangam. As a head of the industrial section or industrial community I cannot count even five *sthapathis* on my fingers to-day. That is the true state of affairs. If that is so, are the Government going to allow these temples to get into rack and ruins without the chance of their being *shastrically* renovated for years to come? Is it right on the part of a civilised Government to allow ancient and time-defying things to go to dogs? Therefore, what I am saying is that every temple should maintain a school of architecture and they must encourage the offsprings of fast disappearing

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traditional architects by giving them training in the art of temple construction, iconography, idol-making and town-planning. Many savants from the West including Prof. Geddes and Lanchester who have come to our country have admired the layouts of the Tanjore temple, the Kancheepuram temple and other temples. Our people have an inborn knowledge of architecture and we are in this far above the other nations. It is no use amending the Act here and there with the sole aim of filling up the coffers of the Government, restricting entrance to the *sanctum-sanctorum*, etc., I earnestly request the Government to do some substantial work for the welfare of the people and for the welfare of the country and thus preserve the ancient glories of India. That is my fervent appeal to the Government as an industrialist, as an architect and as a man who talks of commonsense and not law. May I, Sir, with your permission resume my seat?"

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* DR. V. K. JOHN :—" Mr. Chairman, Sir, this Bill is in keeping with the policy which the Congress Government have followed consistently from the time they took charge of the administration. Sir, it is the cardinal and well accepted principle in any democratic structure of Government that it should not interfere with the freedom of the individual or association of individuals. If the Government look for mismanagement they will find it in the case of every individual and every association of individuals and they will find it not only in Hindu religious institutions but also in churches, mosques and others. (An hon. Member: 'There is mismanagement in Government also'.) Yes, I am coming to it. The greatest mismanagement as far as I can see of funds, of wastage of funds, is in the Government itself. The Government here have been trying for a very long time to control everything, control individuals, control associations of individuals and also to collect some money out of them.

" Sir, the 1926 Act on this subject was revised and consolidated and a fresh Act was passed in the year 1951 after the Constitution came into force on the 26th January 1950. I would like to ask the Government 'Had not the Government advisers to tell them that certain provisions in that enactment which they introduced in the Legislature in 1951 were *ultra vires* of the Constitution?' The matter went up to the Supreme Court and that Court ruled that many Sections of that Act were *ultra vires* of the Constitution and beyond the jurisdiction of this Legislature. Is it not shameful on the part of those who are responsible for bringing in these legislations into existence that they will not consult legal advisers or competent men to find out whether this Act is *ultra vires* of the Constitution or not? I find from the decision of the Supreme Court that even the Advocate-General had to concede in the Supreme Court that certain sections of the Act of 1951 were *ultra vires* of the Constitution and beyond the powers of the Legislature. That being so, what are the Government doing to-day? To-day the Government are going against the spirit and the letter of the Constitution.

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" Sir, Articles 25 and 26 of the Constitution give the power of management of properties to religious institutions and not to the Government. Government now go against this fundamental principle and introduce a Bill many sections of which, I am as positive as it is day time now, will be found to be *ultra vires* of the Legislature when it is taken to a Court. Particularly one provision in this Bill which validates everything will certainly be held *ultra vires* of the powers of this Legislature. How can this Legislature validate the collection of fees under the provisions of another Act which was declared *ultra vires* of the Constitution? I can never understand it. Even a non-lawyer member of this House cannot understand how we can pass a law validating collections made under a law which was declared illegal by the Supreme Court. (An hon. Member: 'They go on collecting the fees.') Yes, the Government persist in collecting the fees. I think it is a grave mistake. I do not know why this Government should not have proper legal advice when they introduce a Bill like this, particularly to carry out the decision of the Supreme Court. When they introduced the 1951 Act, the idea was to collect some money as they wanted some more revenue and the Supreme Court said that the Government were wrong in collecting this fee. Now they have again introduced the very same principle which is an encroachment upon the freedom of religious institutions.

" Sir, I do not say that Hindu religious institutions are all managed well and are managed in the best manner possible. For that matter, Christian institutions and churches are not managed well. So also some of the Muslim institutions. There are also individuals who do not manage their affairs well. The Government themselves are not managing their affairs well. I say, Sir, this is not the way to deal with the Constitution of the country which lays down a principle that the Government cannot interfere with the administration of these religious institutions and their properties. Now the Government want to interfere in everything, control everything, collect taxes as far as possible and also validate collections made already but declared to be illegal by the Court. I say this is wrong. This is not the way a democratic Government ought to function. Is there, I ask, any such stringent provision as this Government have introduced in this Bill, in any other legislation passed in any other part of this country? None whatsoever. Are there not religious institutions in other parts of the country? There are. Nevertheless they have not chosen to introduce this kind of legislation. This Government want to control everything and administer through paid men, through their own officers. The Government collect the fees so that paid men may administer these institutions in the public interest. If the Government are of the view that this expenditure on administration of these religious institutions may benefit a section of the Hindu public, why should they not spend the money from out of the public revenues? Why collect the money from

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the institutions themselves? I do not see why public money should not be utilized for the purpose of administering these institutions.

“ Then, Sir, it is said that we are in a secular State. When the Constitution says that our State shall be a secular State, why should that secular State interfere with the administration of religious institutions? The Government have to-day started with the Hindu religious institutions. To-morrow they will go into the Christian institutions. Then they will go into Muslim institutions and every other institution. I say this control and interference are wrong things to do. If this is not to be merely a House which registers or records Bills that come up before it, I would appeal to the House to reject this Bill. Let us not interfere with the religious institutions. Let them make mistakes. Let there be mismanagement. They will correct themselves. Every one of us makes mistakes. It is a cardinal principle of any democratic Government that they shall not interfere with the freedom of individuals or associations of individuals but allow them to make mistakes, and correct them themselves. May this House consisting of learned persons not try to impose its ideas of morality on other people. Somebody might think a particular thing is right and a particular thing is wrong. Are we going to impose those ideas of morality upon others? There is one important consideration in this matter, Sir. When the historian writes about these institutions, and finds a provision in an Act that the heads of the maths could be removed for immorality, he will certainly come to the conclusion that generally, these heads of maths are immoral persons. Is it a proper thing for the Legislature in this country to make a record in this Bill that the heads of maths and religious institutions are immoral? I protest against this, Sir. The Government ought not to do it at all. If anybody were to write a history on religious institutions, he will surely say: ‘ Here is a legislation passed by both the Houses of Legislature in the year 1954 which assumes that the heads of maths and religious institutions are generally immoral ’. The Government ought not to have mentioned the word ‘ immoral ’ at all in any legislation. I submit, Sir, that from every point of view this Bill ought not to be passed into law because it is an illegal and unconstitutional interference with the freedom of religious institutions to manage their own affairs in their own way. They may manage it ill or well. Would this Government allow the Government of India to interfere with the administration of this State? This Government do not manage everything well. I wish to submit, it is better to leave the religious institutions to manage their own affairs in their own way as they have been doing for thousands and thousands of years. This Legislature came into existence only the other day. But the Hindu religious institutions are existing for thousands of years in this country managing their affairs well. In other parts of India, the religious institutions manage their affairs well and there

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is no interference. But here, the Government interfere by legislation, and control everything because the Government here are following a policy from 1946 of controlling everything, taxing everybody, collecting money from everywhere and wasting it. I say, Sir, this should not be the policy of the Government. I sincerely and seriously protest against it."

* THE HON. SRI B. PARAMESWARAN :—" Mr. Chairman, Sir, the hon. the Deputy Leader of the Opposition was not graceful in saying that we did not take proper legal advice or assistance. Any Government will have to depend upon their legal advisers and any Government is likely to commit mistakes in the legislations they introduce. The Supreme Court and other courts are there to point out mistakes and we come again before the Legislature to remedy the defects. There is nothing wrong in committing some mistakes and correcting them when pointed out by the court. Let not some lawyers monopolise certain privileges and cast aspersions upon the Government.

" Sir, there are only two or three points which struck me as important and within the short time at my disposal, I am afraid, I may not be able to deal with them in detail.

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" The only objection raised by the Supreme Court against the contributions is that they should not be merged with the general revenues of the State. In the new Section 81 of the present amending Bill, the Government seek to constitute a separate fund and it shall be utilized only to meet the expenses connected with the services that would be rendered to the Hindu religious institutions by the Government and their officers. It is only with a view to meet this objection of the Supreme Court that this new section has been introduced in the Bill. Therefore, there is no point in hon. Members saying that new clauses are introduced in the Bill. I may assure the House that not a single clause is introduced unnecessarily and my task has been rendered very easy by the effective and telling speech made here by the experienced ex-Commissioner, hon. Member, Sri T. M. Narayanaswamy Pillai. He has explained the implications of all the sections which we are now seeking to amend.

" As regards the objection raised by an hon. Member regarding the validation of the contributions already levied, I may say that unless this is done, considerable administrative difficulties are likely to arise. Therefore, the Government are compelled to validate the contributions already made from the Hindu religious institutions before the passing of this amending Bill.

" Some hon. Members took objections to the insertion of sub-clauses (f) to (h) in Clause 10. This was necessitated by the re-drafting of Section 55 of the principal Act, which deals with the spending of *pathakanika* by the madathipathi. The madathipathi deals with two funds, viz., the funds of the institution and the *pathakanikas* which are his personal gifts. By the modification of Section 52, we are ensuring that a madathipathi does not convert

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what should reasonably be the fund of the institution into *patha-kanika*, and also does not waste the funds for purposes unconnected with the institution or by leading a bad life. Therefore, this modification of Section 52 mentioned in Clause 10 is the natural corollary to the new Section 55 introduced in Clause 11.

" Another provision which, according to another hon. Member of this House, was considered to be not proper is sub-section (5) of Section 76 introduced in Clause 15. This sub-section lays down that if there is any surplus in the Hindu Religious and Charitable Endowments Administration Fund after meeting all the expenses and charges referred to in sub-sections (1) and (2) of Section 76, it shall be lawful for the Commissioner to make grants to poor and needy religious institutions for carrying out repairs and renovation to buildings of the institutions subject to such rules as may be framed by this Government in this regard. There cannot be any valid objection to this provision as it ensures that any surplus that may remain only goes back to the Hindu religious institutions for maintaining them in a state of good repair. We want some funds and it is necessary to renovate and repair temples. Therefore, there is no harm in introducing certain provisions which are not repugnant to the Constitution or which are not against the spirit of the judgment of the Supreme Court or the Madras High Court, if they are intended for the benefit of the worshippers and for those who are connected with the temples. Apart from the explanation which I have just now given, I would like to deal with all matters in detail when I reply to the various amendments proposed in this Bill.

" Sir, the Government are as zealous, earnest and determined as anybody else to see that not only the temples are renovated and repaired but those who are associated with the temples and those who are heads of the temples conduct themselves in a manner befitting the position they occupy. There is no use denying the fact that they are certain heads of temples and maths who may not be up to the mark in their administration. Therefore, we should not hide facts and then say that everybody is all right. The provisions of this Bill will apply only to such of those people whom we may consider to be not conducting themselves in a manner in which they are expected to conduct themselves. Otherwise, they will remain a dead letter.

" With regard to the surplus amount, I do not know why hon. Members should be agitated over it. Only where there is a surplus, the question of its utilization will arise. Otherwise, that question will not arise at all. Therefore, there is no necessity for generating heat in regard to this particular matter. After all, this is a simple Bill trying to amend such of those sections which were declared *ultra vires* of the Constitution by the Supreme Court and the Madras High Court. I am only wondering what amount of difficulty there will be for me to pilot the comprehensive legislation when it is introduced. Hon. Member Sri G. Krishnamoorthi was saying that in the Srirangam temple, some plant had grown in the

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gopuram and it was there for generations together and the Commissioner or the authority in charge of the temple has not cared to look into it. Sir, there are certain things which we can do but for certain other things both the temple authorities and the Government are equally responsible for the small mistakes that may creep in. Every hon. Member here was harping upon the point, viz., the repair and renovation of the temples. How is that to be done? Are the Government in any way less earnest or sincere in maintaining the institutions properly or do they by any clauses in this Bill propose to minimize the importance or the privileges or the powers of the madathipathis or the heads of institutions? Never will we do it, but it all depends on the way in which we interpret certain provisions. I think, everyone who is interested in the welfare of the State and in the rebuilding of our religion and in maintaining the prestige and glory that were attached and are still attached to our temples will view it in a very liberal manner. As I said on the floor of the other House, we want temples to thrive. We want temples to spread knowledge and culture and serve as useful institutions for millions of people in this country."

MR. CHAIRMAN :—" The question is—

' That the Madras Hindu Religious and Charitable Endowments (Amendment) Bill, 1954 (L.A. Bill No. 27 of 1954), as passed by the Assembly, be taken into consideration.' "

The motion was carried.

The consideration of the Bill, clause by clause was then taken up.

Clause 2 was put and carried.

Clause 3.

MR. CHAIRMAN :—" The motion is—

' That Clause 3 do stand part of the Bill.' "

* SRI K. BALASUBRAMANYA AYYAR :—" Sir, in the Hindu Religious and Charitable Endowments Act of 1951, there is a sub-section which states that—

' Nothing in this section shall be deemed to authorize any person, who is not a Hindu to enter the premises or place referred to in sub-section (1) or any part thereof,'

I do not know why this has been omitted in this Bill. Probably the Government thought that because they inserted the words ' shall have due regard to the practices and usages of the institution ' in Clause 3 of this Bill, the said sub-section was not necessary. I do not know exactly why this sub-section was dropped but in cases where an officer is resisted and an appeal is made to the Magistrate having jurisdiction and a Sub-Inspector of Police is requisitioned to render such help as is necessary, some difficulties may arise. I therefore think that the provision in the old Act may remain. After all by retaining it no harm is done nor are we doing anything wrong or repugnant to the provisions in the Bill. I am only

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making a mild submission that this sub-section may be retained and I do not want to put it in such forceful language as to say that it is fundamental and absolutely essential and all that sort of thing. We have got to take note of the fact that the Sub-Inspector of Police or other officer who is requisitioned may sometimes over-step his mark and it is therefore better to have this general safeguarding provision in addition to the clause 'shall have due regard to the practices and usages of the institution'. I therefore move—

'Add the following as new sub-clause (4):—

"(4) Nothing in this section shall be deemed to authorize any person, who is not a Hindu to enter the premises or place referred to in sub-section (1) or any part thereof." "

* SRI T. M. NARAYANASWAMY PILLAI:—"Mr. Chairman, Sir, I wish to second the amendment. I think it is by way of abundant caution that the hon. Member, Sri K. Balasubramanya Ayyar, has brought forward this amendment. It appears to have been omitted in the present Bill for the reason that a clause, 'shall have due regard to the practices and usages of the institution', has been included. This amendment will injure nobody and there is no harm in making it more clear."

MR. CHAIRMAN:—"Amendment moved—

'Add the following as new sub-clause (4):—

"(4) Nothing in this section shall be deemed to authorize any person, who is not a Hindu to enter the premises or place referred to in sub-section (1) or any part thereof." "

* SRI K. BHASHYAM:—"Sir, I like to emphasise this fact with reference to this clause that the Police officer referred to in sub-section (2) of section 21 may read the words 'if practicable' along with the words 'shall have due regard to the practices and usages of the institution.' Though the words 'if practicable' is meant to be read along with the words 'give notice' some Judges may read these words also along with the clause 'shall have due regard, etc.' It is probably safer to have the proposed sub-section added, and I would appeal to the Government to do so."

* SRI G. KRISHNAMOORTHY:—"Mr. Chairman, Sir, I support this amendment. I would like to know whether the permission to enter the premises of a religious institution includes permission to enter the *sanctum sanctorum* also. This provision is intended to help the officers of the Endowments Board or the Police officer referred to in sub-section (2) in the discharge of their duties. As there is every possibility in our secular State of a Police officer being a non-Hindu, I think this amendment is a good one."

THE HON. SRI B. PARAMESWARAN:—"Sir, I have no objection to accept this amendment but I think sub-section (3) covers the point raised. Anyhow, we will look into this question later on when the rules are framed. I would therefore request the hon. Member to withdraw the amendment."

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* SRI K. BALASUBRAMANYA AYYAR :—“ Mr. Chairman, Sir, the Hon. Minister has said that this may be included in the rules to be framed. Even, if I were to press the amendment, the Bill would have to go to the other House and they may not accept it.”

* SRI K. BHASHYAM :—“ Sir, the hon. the Mover of the amendment himself is not very serious about it, because in every case the Council is not treated properly and the Government really bring such Bills at the very end of the session and say that nothing should be done with them here. I do think it is wrong in principle for the hon. the Mover of the amendment to give it up simply because the Bill will have to be sent back to the Assembly and some inconvenience will be caused to the Government thereby. Though I do not wish to advise the hon. the Mover either to withdraw the amendment or not, I wish to say that it is wrong in principle to withdraw the amendment simply because the Bill will have to be sent to the other House.”

* SRI K. BALASUBRAMANYA AYYAR :—“ Mr. Chairman, Sir, I am not withdrawing my amendment.”

MR. CHAIRMAN :—“ The question is—

‘ Add the following as new sub-clause (4) :—

“ (4) Nothing in this section shall be deemed to authorize any person, who is not a Hindu to enter the premises or place referred to in sub-section (1) or any part thereof.” ’

The amendment was declared carried.

A poll was demanded and the House divided thus—

Ayes—13.

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|----------------------------|-----------------------------------|
| 1 Sri N. Annamalai Pillai. | 8 Sri T. M. Narayanaswamy Pillai. |
| 2 „ K. Bhashyam. | 9 „ K. Balasubramanya Ayyar. |
| 3 „ A. Gajapathy Nayagar. | 10 „ E. H. Parameswaran. |
| 4 „ M. P. Govinda Menon. | 11 „ A. Subramaniam. |
| 5 Dr. V. K. John. | 12 „ V. V. Ramaswamy. |
| 6 Sri G. Krishnamoorthi. | 13 „ P. B. K. Thiagaraja Reddiar. |
| 7 „ Mohamed Raza Khan. | |

Noes—11.

- | | |
|-------------------------------------|---------------------------------------|
| 1 The Hon. Sri M. Bhatavatsalam. | 7 Sri K. N. Palaniswami Gounder. |
| 2 Srimathi Mary C. Clubwala Jadhav. | 8 „ C. Perumalswami Reddi. |
| 3 Sri T. M. Daiyaskhamani Achariar. | 9 „ T. Purushotham. |
| 4 „ M. Ethirajulu. | 10 Srimathi R. S. Subbulakshmi Ammal. |
| 5 Srimathi S. Manjubhashini. | 11 Srimathi Jothi Vencatachellum. |
| 6 Sri Mahamed Usman. | |

Neutral—1.

1. Sri V. Bashayam Ayyangar.

Ayes—13; Noes—11; Neutral—1.

The amendment was carried.

Clause 3 as amended was put and carried.

Clauses 4 and 5 were put and carried.

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Clause 6.

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MR. CHAIRMAN :—" The motion is—

' That Clause 6 do stand part of the Bill.' "

* SRI K. BALASUBRAMANYA AYYAR :—" Mr. Chairman Sir, I move the amendment standing in my name, namely,—

" In Section 31, sub-clause (1), after the words " charitable purposes " add the following :—

" in the vicinity of the religious institution, not inconsistent with the objects of the said institution."

" During the general discussion on the Bill, I have already stated my views as regards Section 31 in general and I do not want to repeat them here. The words ' religious, educational or charitable purposes ' adopted by the Government in this section are too wide and cover many objects. The objects for which surplus funds may be spent must be consistent with the original object of the institution. Secondly surplus funds must be appropriated to charitable purposes in the vicinity of the religious institution. Surplus funds should not be appropriated to charitable institutions which are remote from the place in which the religious institution is situated. For example a religious institution may be situated in Rameswaram and its surplus funds should not be appropriated to a charitable purpose in South Kanara district.

" I may also add that this Section 31 is based on Section 47 of the Orissa Hindu Religious Endowments Act, 1939, which the Supreme Court has held to be valid, and not repugnant to the various Articles in the Constitution. Therefore the Government have adopted the same wording in this Section 31 as has been adopted in the Orissa Act. The words ' not inconsistent ' found in Section 47 of the Orissa Act have been omitted in this Section 31. If this amendment is accepted, it will give powers to the Commissioner, who wants to declare a surplus and appropriate it to religious, educational or charitable purposes, to do so for purposes which are consistent with the objects of the institution and at places which are near the vicinity of the institution."

DR. V. K. JOHN :—" I second the amendment."

MR. CHAIRMAN :—" Amendment moved—

' In Section 31, sub-clause (1), after the words " charitable purposes " add the following :—

" in the vicinity of the religious institution, not inconsistent with the objects of the said institution."

* SRI K. BHASHYAM :—" Mr. Chairman, Sir, even when the principal Act was passed I had opposed the *cypres* application of surplus funds of endowments as wrong. As a lawyer, I consider that it is wrong and as a religious man also I consider that it is wrong. Surplus funds should not be used for purposes other than

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those for which the funds are originally intended. Such appropriation will affect the religious susceptibilities of a large number of people. The result of this will be that all persons who want to give funds for charitable or religious purposes will find themselves in difficulty and they may not do so hereafter. Therefore, Sir, I feel that the Government are well advised to accept the amendment. I am interested in the Government and I want that it should not be defeated at all."

SRI A. GAJAPATHY NAYAGAR :—"கனம் மன்றத்தலைவர் அவர்களே, நான் இந்தத் திருத்தத்தை எதிர்க்கிறேன். இவர்கள் 'விஷ்ணு, விஷ்ணு, என்கிறார்களே தவிர அதன் பொருள்தான் என்னவென்று தெரியவில்லை. ஒரு நல்ல காரியத்தைச் செய்யவேண்டுமென்று ஒப்புக்கொண்டுவிட்டால் அந்தக் காரியத்தை ஐந்து மைல் தூரத்துக்குள் இருக்கும் பிரதேசங்களுக்குத்தான் செய்யவேண்டும் ; பத்து மைல் தூரத்திற்குள் இருக்கும் பிரதேசத்துக்குத்தான் செய்ய வேண்டுமென்று சொல்வது சரியல்ல. அப்படிச் செய்வது சட்டப்படியும் நியாயப்படியும் செல்லாது என்று நான் சொல்லுகிறேன். ஆகவே இதனை நான் எதிர்க்கிறேன்."

THE HON. SRI B. PARAMESWARAN :—"Mr. Chairman, Sir, I do not propose to accept the amendment because it will be restricting the scope of our expenditure. There will be some difficulty also in implementing the objects of this section. Therefore I do not propose to accept it."

MR. CHAIRMAN :—"The question is—

'In Section 31, sub-clause (1), after the words "charitable purposes" add the following :—

"In the vicinity of the religious institution, not inconsistent with the objects of the said institution." "

The amendment was lost.

Clause 6 was put and carried.

Clauses 7, 8 and 9 were put and carried.

Clause 10.

MR. CHAIRMAN :—"The motion is—

'That Clause 10 do stand part of the Bill.' "

* **SRI K. BALASUBRAMANYA AYYAR** :—"Mr. Chairman Sir, I move the amendment standing in my name, namely,—

'In sub-clause (f) of Section 52, before the word "waste" add the words "persistent and wilful".'

"I consider the addition of words 'persistent and wilful' before the word 'waste' necessary. Removal of a *madathipathi* for any one or more of the reasons stated in Section 52 by instituting a suit in the court by the Commissioner is a very great power. Ordinarily in South India in all the various maths, the succeeding head of the math derives his title from the preceding head of the math. Power should be vested with the Commissioner to institute a suit in a Court to obtain a decree for removing the head of the math only in

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cases of grave misconduct by the head of the math, which does not entitle him to be a *madathipathi*. If the House agrees to the addition of words 'persistent and wilful' before the word 'waste', then there shall be some justification for the Court to remove a *madathipathi*. Therefore I make bold to move this amendment."

The amendment was duly seconded.

MR. CHAIRMAN :—" Amendment moved—

' In sub-clause (f) of Section 52, *before* the word " waste " add the words " persistent and wilful " . "

4-50 P.M. THE HON. SRI B. PARAMESWARAN :—" Sir, even at the time of the meeting of the Joint Select Committee, the total omission of sub-clauses (f) and (g) was considered but it was decided not to make any change. The existing provisions in sub-clauses (f) and (g) are adequate. I do not think there is any need to accept the amendment of the hon. Member."

MR. CHAIRMAN :—" The question is—

' In sub-clause (f) of Section 52, *before* the word " waste ", add the words " persistent and wilful " . "

The amendment was carried.

* SRI K. BALASUBRAMANYA AYYAR :—" Sir, I shall now move my next amendment to sub-clause (g), which is as follows :—

' In sub-clause (g) of Section 52, *after* the word " the " and *before* the word " adoption ", insert the words " continuous, persistent and wilful " . '

If this amendment is carried, the sub-clause will read as follows : ' the continuous, persistent and wilful adoption of devices to convert the income of the institution or of the funds of properties thereof into *pathakanika*.' An officer of the Government is first given a warning, then suspended and then only dismissed. But in the case of the *madathipathi*, a very stringent attitude is taken. Therefore, I say that the adoption of the devices to convert the income must be continuous, persistent and wilful. This will make it clear that the *madathipathi* is purposely doing the thing. Of course, there are various other remedies by which these abuses can be prevented. An Executive Officer can be appointed to prevent these things. It is only in cases where the man goes on adopting the devices, the Court should take the extreme step of removing him altogether. Why should this ordinary privilege—I do not wish to call it a privilege but I may call it as ordinary justice—be denied to the *madathipathis*? That is why I press for the inclusion of these words."

DR. V. K. JOHN :—" I second the amendment, Sir."

MR. CHAIRMAN :—" Amendment moved—

' In sub-clause (g) of Section 52, *after* the word " the " and *before* the word " adoption " insert the words " continuous, persistent and wilful " . "

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* SRI A. GAJAPATHY NAYAGAR :—“கனம் மன்றத் தலைவர் அவர்களே, இந்தத் திருத்தத்தை நான் ஆட்சேபிக்கின்றேன். நல்ல ஒழுக்கத்தையும், நல்ல வாழ்க்கையையும் கடைப்பிடித்து மக்களுக்கு நல்ல ஒழுக்கம், நல்ல வாழ்க்கை இவைகளை அமைத்துக் கொடுக்கவேண்டியவர்கள் தப்பாக, ஒழுக்கம் கெட்ட முறையில் நடந்து கொள்வார்கள் என்றால், அதை கவனிக்காமலேயே இருக்கவண்டுமென்று சொல்வதை நான் ஒப்புக் கொள்ளமாட்டேன். சந்திரனுக்கு ஒரு களங்கம் எ ட்டிருல் அது எல்லோர்கண்ணிலும் படும். அதைப் போல் உயர்ந்த ஸ்தாபனத்தில் எல்லோராலும் உயர்ந்தவராக மதிக்கப்படுபவரிடம் ஒரு சின்னக் குற்றம் காணப்பட்டாலும் அது எல்லோருக்கும் நன்றாகத் தெரிந்து விடும். ஒரு சிறிய மனிதன் ஒரு பெரிய குற்றத்தைச் செய்தாலும் கூட அது பிறர் கண்ணில் படாமலிருக்கலாம். ஆனால் பெரிய மனிதன் ஒரு சின்னக் குற்றத்தைச் செய்தாலும் அது எல்லோர் கண்ணிலும் படுவதாடு மட்டுமல்லாமல் அந்தக் குற்றத்தைச் செய்யக்கூடாது என்று தடுக்காவிட்டால் ‘அவரே அந்தக் குற்றத்தைச் செய்கிறார். நாம் ஏன் இந்தக் குற்றத்தைச் செய்யக்கூடாது,’ என்ற எண்ணத்தில் மற்றவர்களும் குற்றம் செய்ய தூண்டுவதாகக் கூட ஆகும். ஆகவேதான் நான் கனம் நண்பர் பாலசுப்பிரமணிய அய்யரின்திருத்தத்தை எதிர்க்கிறேன். அம்மாதிரி குற்றம் செய்தவர்களைத்தான் பதவியைவிட்டு சர்க்கார் நீக்க அதிகாரம் உண்டு என்று சொல்லியிருக்கிறது. இந்த அதிகாரம் இருப்பதாலேயே பலர் குற்றங்களைச் செய்யாமல் நல்லவர்களாகவே நடந்து கொள்ளவும் இதனால் வசதி ஏற்படுமென்று நான் கருதுகிறேன். குற்றம் செய்பவர்களை மத்ததின் தலைவர்கள் என்று சொல்லி காப்பாற்ற முயலக் கூடாது என்று தான் நான் சொல்லுகிறேன்.”

* SRI K. BHASHYAM :—“ Sir, I do not think the amendment is necessary. But I am not opposing it on the same ground as the hon. Member Sri Gajapathy Nayagar. I do so for another reason altogether. The word ‘ devices ’, which is in plural, carries out the meaning which the hon. the Mover of the amendment has in his mind. To say that he has also included the question of breach of trust is unnecessary altogether. It is said that even if it is a small device, the man can be dismissed. The hon. Member Sri Gajapathy Nayagar says that for a big man even a small matter must be enough for dismissal. It would be very difficult to decide the question whether a particular income is *pathakanika* or not, I would like the hon. Member Sri Gajapathy Nayagar to be a madathipathi! Then only he will realise the difficulties. Suppose a person goes to a madathipathi for the purpose of getting initiation and gives *pathakanika*. Is it to be said that because of the fact that he is the head of the math it is given to him or because of the fact of his getting initiation from the madathipathi? Who is to decide these questions? It is well and good on paper. But how can these questions be decided in a suit between the madathipathi and the Commissioner? That will be the issue before the Court. The amendment seems to be unnecessary, because the word ‘ devices ’ is already there. If the Government are so advised, they can take away the whole clause altogether.”

* SRI T. M. NARAYANASWAMY PILLAI :—“ Sir, I wish to say a few words. The amendment is unnecessary. The original section corresponded to section 92 of the old Civil Procedure Code. Section 73 of Act III of 1925 was the one which substituted that section for section 92. A madathipathi can be removed for breach of trust. Suppose the Legislature for various purposes goes on

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explaining what it considers to be breaches of trust. There may be one instance or two instances which go to constitute breach of trust. By insisting upon these words, we are only going to fetter the discretion of the Court. We may go on multiplying the number of devices, but still if the Court considers that a person ought not to be removed, all these words will become useless. One device alone may be enough. It is a power which is vested in the Court and that power has been there traditionally under the old section 92. I do not know why these instances should be multiplied. But these words are unnecessary having regard to the history of the section. Even one device may constitute a breach of trust."

5 p.m.

THE HON. SRI B. PARAMESWARAN :—" Mr. Chairman, Sir, as I already stated, there is little difference between clause (f) and clause (g), of sub-section (1) of section 52. This has been very clearly explained by the hon. Member Sri Narayanaswamy Pillai and the hon. Member Sri K. Bhashyam. I oppose the amendment."

MR. CHAIRMAN :—" The question is—

' In sub-clause (g) of Section 52, after the word " the " and before the word " adoption ", insert the words " continuous, persistent and wilful " . "

The amendment was lost.

SRI K. BALASUBRAMANYA AYYAR :—" Mr. Chairman, Sir, I move—

' That sub-clause (h) of Section 52 be omitted. ' "

DR. V. K. JOHN :—" I strongly support the amendment. "

MR. CHAIRMAN :—" Amendment moved—

' That sub-clause (h) of Section 52 be omitted. ' "

* SRI K. BALASUBRAMANYA AYYAR :—" Mr. Chairman, Sir, I want that sub-clause (h) of Section 52 should not be there. It should be omitted. That is the effect of my amendment. With all respect to this House I should like to say that there should be some dignity in what we do. Here we give power to the Commissioner to take action against the head of a religious institution for leading an ' immoral life '. How is this to be proved before a Court of law? If this provision is allowed to remain in the Bill, will not thousands and thousands of people take to blackmailing the heads of maths? That is what I want to ask. There might be some discrepancy in the accounting of money or a small act of omission. The next day the head of the math will be dragged before a Court of law and he will be charged with having led an immoral life and all that. This will place the madathipathi in a situation where he will be liable to attacks from all kinds of people. Again the Court also cannot embark upon a general enquiry to ascertain whether the madathipathi

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acted immorally or morally and so on. It is hardly fair to have a provision like this in the Bill. It is against the dignity of the madathipathi. The sub-clause should not be there."

* SRI G. KRISHNAMOORTHY :—" While strongly supporting the amendment moved by the hon. Member, I should like to point out that the hon. the Deputy Leader of the Opposition was right when he said that historians and future readers of history would naturally think that this legislation including such a provision as contemplated in sub-clause (h) was necessitated in the year 1954 as heads of maths had gone to such an extent as to be called immoral. People belonging to other religious faiths will naturally laugh at those who profess the Hindu religion on seeing such a statement being allowed to go into a legislation against the heads of maths held in such high esteem for such a long time. It is not proper for us even to think of making such a provision in an Act of this Legislature."

SRI V. V. RAMASWAMY :—" கனம் தலைவர் அவர்களே, நான் இந்தத் திருத்தத்தை எதிர்த்துப் பேசுகின்றேன். காரணம் என்னவென்றால் நம் மக்களுக்கு நல்ல பண்பு, நல்ல ஒழுக்கம், நல்ல நடத்தை இவைகளை எல்லாம் போதிக்க வேண்டியவர்கள் அறநிலையத் தலைவர்கள் ஆவார்கள். அவர்களே ஒழுக்கம், பண்பு, நடத்தை கெட்டவர்களாக இருந்தால் அவர்களால் நம் மக்களின் பண்பு, ஒழுக்கம், நடத்தை இவைகள் எல்லாம் கெட்டுப் போகாமலிருக்க அவர்களை அப்பீடத்திலிருந்து அகற்றிவிடவேண்டுமென்பது அரசியலாரின் கருத்து. இல்லாவிட்டால், நம் சமயமே அழிந்துபோகக் கூடும். நம் நாட்டுப் பொய்யா மொழிப்புவலர் திருவள்ளுவர் எவைகள் எல்லாம் பஞ்சமாபாதகங்கள், எவைகளை எல்லாம் மக்கள் விலக்கவேண்டுமென்று சொன்னார்களோ அந்தப் பஞ்சமாபாதகங்களை எல்லாம் பல மடத்துத் தலைவர்கள் கூடாமல் செய்து வருவதையும் நாம் பார்க்கிறோம், பேப்பர்களின் வாயிலாகவும் அடிக்கடிப் படிக்கிறோம். ஆகவே இம்மாதிரியாகக் குற்றங்கள் புரிவோர்களை பதவியிலிருந்து நீக்க சர்க்காருக்கு அதிகாரம் இருக்கவேண்டியது அவசியமாகும். இந்த அதிகாரம் சர்க்காருக்கு இருப்பதன் காரணமாக இனிமேலாவது அவர்கள் இம்மாதிரியான குற்றங்களைப் புரியாமல் ஜாக்கிரதையாக இருக்கவேண்டுமென்ற எண்ணத்தை அவர்களுக்கு உண்டாக்கக் கூடும். அதனால் நம் மக்களும், நம் சமயமும் மேன்மையடைய வசதியிருக்கின்றது. ஆகவே சர்க்காருடைய இந்த அடிப்படைக் கொள்கையை நான் ஆதரிப்பதில் அதற்கு எதிராகக் கொடுக்கப்பட்டிருக்கும் திருத்தத்தை எதிர்ப்பதோடு சபையோர் இதை ஏற்றுக்கொள்ளக் கூடாது என்றும் கேட்டுக் கொள்ளுகிறேன்."

* THE HON. SRI B. PARAMESWARAN :—" Mr. Chairman, Sir, the provision in the Bill as published was : ' leading a life inconsistent with the sanctity attached to the office of head of the math '. The Joint Select Committee wanted to simplify this phrase and substituted the expression ' leading an immoral life or otherwise leading a life which is likely to bring the office of head of the math into contempt '. The trustee of the math is expected to lead a life consistent with the office he holds. This was one of the clauses which was discussed at length by the Joint Select Committee. Therefore I do not accept the amendment."

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MR. CHAIRMAN :—" The question is—

‘ Sub-clause (h) of Section 52 be omitted.’ ”

The amendment was put and lost.

Clause 10 as amended was put and carried.

MR. CHAIRMAN :—" Consideration of Clause 11 will be taken up tomorrow. The House will now adjourn and meet again at 2-30 p.m. tomorrow.”

The House adjourned to meet again at 2-30 p.m. on Friday, the 13th August 1954.

V.—PAPERS LAID ON THE TABLE OF THE HOUSE.

1. Notification No. 327 issued with G.O. Ms. No. 1263, Home, dated 3rd May 1954, regarding exemption of motor vehicles registered and kept in Andhra State from payment of the tax for a quarter payable under the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

2. Notification No. 221 issued with G.O. No. 778, Home, dated 24th March 1954, regarding amendment to Home Department Notification No. 359, dated 29th March 1938, under the Madras Motor Vehicles Taxation Act, 1931, published at page 2 of the Fort St. George Gazette Extraordinary, dated 29th March 1938.

3. Notification No. 222 issued with G.O. No. 778, Home, dated 24th March 1954, regarding amendment to Home Department Notification No. 801, dated 28th June 1938, under the Madras Motor Vehicles Taxation Act, 1931, published at page 948 of Part I of the Fort St. George Gazette, dated 28th June 1938.

4. The Madras Public Service Commission Regulations, 1954, issued with G.O. No. 650, Public (Services), dated 5th May 1954 [Laid on the table under Article 320 (5) of the Constitution of India].

5. Notification issued with G.O. Ms. No. 1574, Home, dated 29th May 1954, regarding Rule amending schedule to the Madras Motor Vehicles (Taxation of Passengers and Goods) Act, 1952.

6. Notification issued with G.O. Ms. No. 1206, Home, dated 28th April 1954, regarding Rule amending schedule to the Madras Motor Vehicles (Taxation of Passengers and Goods) Act, 1952.

7. Notification No. 433 issued with G.O. No. 1659, Home, dated 8th June 1954, regarding exemption of motor car MSY 0130 belonging to the Consul for France at Madras from the Madras Motor Vehicles Taxation Act, 1931.

8. Notification No. 500 issued with G.O. Ms. No. 1904, Home, dated 28th June 1954, regarding continuance of concessional rates of tax in respect of motor vehicles plying solely within the limits of erstwhile Pudukkottai State.

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9. G.O. Ms. No. 1107, *Public (Services), dated 16th July 1954, relating to an amendment to the Madras Public Service Commission Regulations, 1954* [Laid on the table of the House with reference to Article 320 (5) of the Constitution].

10. *The Madras Installation of Oil Engines (Temporary Permission) Bill, 1954.*

11. *Bills passed by the Assembly and received therefrom in the Council—*

(a) *The Madras Hindu Religious and Charitable Endowments (Amendment) Bill, 1954 (L.A. Bill No. 27 of 1954).*

(b) *The Bhavanisagar Township Bill, 1954 (L.A. Bill No. 28 of 1954).*

(c) *The Madras Public Libraries (Amendment) Bill, 1954 (L.A. Bill No. 29 of 1954).*



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APPENDIX I.

[Vide answer to starred question No. 67 asked by Sri K. N. Palaniswami Gounder at the meeting of the Legislative Council held on 12th August 1954, page 248 supra]

Statement showing the number of posts of Assistant Superintendents of Police and Deputy Superintendents of Police filled up during the period 1948-53.

Year.		Assistant Superintendents of Police.	Deputy Superintendents of Police.		
			By direct recruitment.	By promotion.	
				Category 1.	Category 2.
(1)		(2)	(3)	(4)	(5)
1948		6	5	40	..
1949		6	4	15	2
1950		4	15	..	1
1951		2	Nil	10	1
1952		2	Nil	..	1
1953		4	2	..	..

APPENDIX II.

[Vide answer to clauses (e) and (f) of starred question No. 74 asked by Sri T. Purushotham at the meeting of the Legislative Council held on 12th August 1954, pages 257-258 supra.]

ENCLOSURE I.

Memorandum No. 8266-E/54-4, Revenue, dated 10th March 1954.

[Season—Madras State—Fasli 1363—Remission of land revenue and stay of coercive processes for the collection of loan instalments—Orders. *Reference.*—From the Board of Revenue, M. No. 1026/54-1, dated 11th February 1954, and No. M. 1026/54, dated 3rd March 1954.]

The Government have examined carefully the views expressed by the Board of Revenue in its references quoted above in regard to the grant of remission of land revenue and stay of coercive steps for the collection of loan instalments in the areas where seasonal conditions are bad or where paddy pests prevail or where other distress conditions exist. They pass the following orders :—

(1) The Government consider that the provisions of B.S.O. No. 13 (5) should be extended to areas where crops had been affected by pests and that remission of assessment should be granted in cases where the outturn is less than two annas and that for this purpose, the provisions of the B.S.O. No. 13 (5) should be interpreted liberally.

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(2) The Government understand that in this year the ryots are being asked to pay not only the current assessment but also the arrears of three or four previous years. They consider that this is too heavy a burden for the ryots to bear. They accordingly direct that the collection should be limited to the assessment for the current year plus the arrears of one year. The arrears so collected should be credited towards the amount due for the oldest year, to save limitation.

(3) The Government accept the recommendation of the Board of Revenue that coercive steps should not be taken for the collection of loan instalments in the areas mentioned below—

Tirunelveli.—Sankarankoil taluk excluding Vasudevanallur firka; Koilpatti taluk—Entire taluk; Tirunelveli taluk—Madavan-kurichi and Gangaikondan firkas; Nanguneri taluk—Rathapuram sub-taluk only.

Ramanathapuram.—Srivilliputtur taluk.

South Arcot.—Gingee taluk; Tindivanam taluk.

Tanjore.—Tanjore taluk—Sengipatti, Vallam, Ulur and Moorthiambalpuram firkas. Tiruturaipundi taluk—Nachikulam and Thalainayar firkas.

The Board is requested to issue instructions to the Collectors concerned accordingly.

ENCLOSURE II.

Memorandum No. 8266-E/54-5, Revenue, dated 29th March, 1954.

[Season—Madras State—Fasli 1363—Collection of loan instalments—Stay of coercive steps—Instructions. *Reference.*—Government Memorandum No. 8266-E/54-5, Revenue, dated 10th March 1954.]

In continuation of the orders in their memorandum quoted above, the Government direct that coercive steps should not be taken for the collection of loan instalments in the Kancheepuram and Chingleput taluks of the Chingleput district and in the Wandiwash taluk of the North Arcot district. In the remaining taluks of these two districts and in the Madurai district, the subordinates should be instructed to use their discretion before taking coercive action for the collection of loan instalments due from the ryots.

2. The Government agree that coercive steps for the collection of loan instalments need not be put off either in the Palladam taluk or in any other taluk of the Coimbatore district.

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APPENDIX III.

[Vide answer to starred question No. 75 asked by Sri T. Purushotham at the meeting of the Legislative Council held on 12th August 1954, page 258-259 supra.]

Statement showing the Society for the Prevention of Cruelty to Animals branches in the State and the number of members of each branch.

District.	Branches.	Number of members,
(1)	(2)	(3)
1 Arcot (North)	Vellore	205
2 Arcot (South)	Cuddalore	25
3 Chingleput	Kancheepuram	21
4 Coimbatore	Coimbatore	132
5 Kanara (South)	Mangalore	69
6 Madras City	Vepery, Madras	174
7 Madurai	Madurai	101
	Dindigul	65
	Kodaikanal	21
	Periyakulam	5
8 Malabar	Cannanore	43
	Tellicherry	70
	Kozhikode	69
	Palghat	19
9 Nilgiris	Ootacamund	16
	Coonoor	60
	Kotagiri	58
10 Ramanathapuram	Madurai	206
	Karaikudi	13
11 Salem	Salem	40
	Namakkal	20
12 Tiruchirappalli	Tiruchirappalli	18
13 Tirunelveli	Tirunelveli	49
14 Tanjore	Tanjore	94
	Ayyampet	3
	Kumbakonam and Tiruvidamaruthur.	11
	Mannargudi	6
	Mayuram	150
	Nagapattinam	34
	Papanasam-cum-Ayyampet.	75
	Nannilam	15
	Pattukkottai	25
	Sirkali	35
	Tiruturaipundi	27
	Tiruvaiyaru and Tirukattupalli.	8
	Tiruvarur	31

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APPENDIX IV.

[Vide item IV (2) on page 286 supra.]

L.A. BILL No. 27 OF 1954.

(As passed by the Assembly.)

A Bill to amend the Madras Hindu Religious and Charitable Endowments Act, 1951.

WHEREAS it is expedient to amend the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951), for the purposes hereinafter appearing :

BE it enacted in the Fifth Year of Our Republic as follows :—

1. *Short title.*—This Act may be called the Madras Hindu Religious and Charitable Endowments (Amendment) Act, 1954.

2. *Amendments of sections 10 and 11, Madras Act XIX of 1951.*—In section 10, sub-section (2), and section 11, sub-section (3), of the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951) (hereinafter referred to as the principal Act), the figure “ 56 ” shall be omitted.

3. *Substitution of new section for section 21 in Madras Act XIX of 1951.*—For section 21 of the principal Act, the following section shall be substituted, namely :—

“ 21. *Power to enter religious institutions.*—(1) The Commissioner, Deputy Commissioner, Assistant Commissioner or such officers or servants of a religious institution as may be authorized by the Commissioner, Deputy Commissioner or Assistant Commissioner in this behalf, shall have power to enter the premises of any religious institution or any place of worship for the purpose of exercising any power conferred, or discharging any duty imposed, by or under this Act.

(2) If any such officer or servant is resisted in the exercise of such power or discharge of such duty, the Magistrate having jurisdiction shall, on a written requisition from such officer or servant, direct any police officer not below the rank of Sub-Inspector to render such help as may be necessary to enable the officer or servant to exercise such power or discharge such duty.

(3) In entering the premises of a religious institution or place of worship, the person authorized by or under sub-section (1) or the police officer referred to in sub-section (2) shall, if practicable, give notice to the trustee and shall have due regard to the practices and usages of the institution.”

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4. *Insertion of new section 21-A in Madras Act XIX of 1951.*—After section 21 of the principal Act, the following shall be inserted as section 21-A, namely :—

“ 21-A. *Commissioner, etc., to observe appropriate forms and ceremonies.*—The Commissioner, Deputy Commissioner, Assistant Commissioner, every member of an Area Committee and every other person exercising powers of superintendence or control under this Act, shall, so far as may be, observe forms and ceremonies appropriate to the religious institution in respect of which such powers are exercised and, in the case of a math, act in conformity with the usages of the math in his dealings with the head of the math.”

5. *Amendment of section 30, Madras Act XIX of 1951.*—In section 30, sub-section (2), of the principal Act, for the words “ the trustee shall be guided by ”, the words “ the trustee shall have due regard to ” shall be substituted.

6. *Substitution of new section for section 31, Madras Act XIX of 1951.*—For section 31 of the principal Act, the following section shall be substituted, namely :—

“ 31. *Cypres application of surplus funds of endowments.*
—(1) The Commissioner may, after holding an inquiry in such manner as may be prescribed, by order, declare that, after satisfying adequately the purposes of the religious institution and after setting apart a sufficient sum for the repair and renovation of the buildings connected with the math or temple or the endowments attached thereto, there is a surplus which is not required for any such purpose, and may, by such order, direct that such surplus as is declared to be available, be appropriated to religious, educational or charitable purposes :

Provided that, in the case of a temple founded and maintained by a section of the Hindu community, the surplus shall, as far as possible, be utilized for the benefit of the said section for the purposes mentioned above.

(2) It shall be competent to the Commissioner when giving a direction under sub-section (1) to determine what portion of such surplus shall be retained as a reserve fund for the math or temple and to direct the remainder to be appropriated to the purposes specified in that sub-section.

(3) The Commissioner may, at any time, by order and in the manner provided in sub-section (1), modify or cancel an order passed under that sub-section.

(4) The order of the Commissioner under this section shall be published in the prescribed manner. The trustee or any other person having interest may, within six months of the date of such publication, institute a suit in the Court to modify or set aside such order.

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Subject to the result of such suit, and of the appeal, if any, under section 31-B, the order of the Commissioner shall be final and binding on the trustee and all persons having interest.

(5) Any decision of the court under this section may, at any time, for sufficient cause, be modified or cancelled by the court in a suit instituted by the Commissioner or the trustee or any person having interest but not otherwise."

7. *Insertion of new sections 31-A and 31-B in Madras Act XIX of 1951.*—After section 31 of the principal Act, the following sections shall be inserted, namely :—

" 31-A. *Validation of past appropriation of surplus funds.*—(1) Where, before the commencement of the Madras Hindu Religious and Charitable Endowments (Amendment) Act, 1954, an appropriation of funds belonging to a religious institution to any of the purposes specified in section 59, sub-section (1), has been made in exercise of the powers purported to be conferred by section 31, such appropriation shall be deemed to be an appropriation made under section 31 as amended by the said Amendment Act.

(2) Any person having interest may, within six months from the commencement of the Madras Hindu Religious and Charitable Endowments (Amendment) Act, 1954, institute a suit in the court to modify or set aside the appropriation referred to in sub-section (1) and for such further or other relief in relation to funds appropriated.

31-B. *Appeals.*—Any person aggrieved by a decision of the Court under section 31 or section 31-A may, within ninety days from the date of the decision, appeal to the High Court."

8. *Amendment of section 34, Madras Act XIX of 1951.*—In section 34, sub-section (8) of the principal Act, for the words " who is dedicated to a temple ", the words " who is dedicated for service in a temple " shall be substituted.

9. *Amendment of section 39, Madras Act XIX of 1951.*—In section 39 of the principal Act—

(a) for sub-section (2), the following sub-section shall be substituted, namely :—

" (2) Where, in the case of any such institution, having a hereditary trustee or trustees, the Commissioner, after notice to such trustee or trustees and after such inquiry as he deems adequate, considers, for reasons to be recorded, that the affairs of the institution are not, and are not likely to be properly managed by the hereditary trustee or trustees, the Commissioner may, by order, appoint such number of non-hereditary trustees as he thinks necessary, so however that the total number of trustees does not exceed five."

(b) in sub-section (3), for the words, brackets and figures " Every trustee appointed under sub-section (1) or

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sub-section (2) ", the words, brackets and figures " Every trustee appointed under sub-section (1) and, subject to the result of an application, if any, filed under sub-section (4), every non-hereditary trustee appointed under sub-section (2) " shall be substituted;

(c) after sub-section (3), the following sub-sections shall be added, namely :—

" (4) Where the Commissioner, by order, appoints a non-hereditary trustee or trustees, the hereditary trustee or trustees may, within thirty days of the receipt of the order, file an application to the Court to set aside or modify such order.

(5) Where a vacancy arises in the office of a non-hereditary trustee appointed under sub-section (2), the Commissioner shall not fill up such vacancy unless, for reasons to be recorded, he considers it necessary to do so. A non-hereditary trustee appointed in the vacancy shall be deemed to have been appointed under sub-section (2), and the provisions of sub-sections (3) and (4) shall apply accordingly."

10. *Amendment of section 52, Madras Act XIX of 1951.*—In section 52, sub-section (1), of the principal Act, clause (f) shall be re-lettered as clause (i), and before the clause as so re-lettered, the following clauses shall be inserted, namely :—

" (f) waste of the funds or properties of the institution or the application of such funds or properties for purposes unconnected with the institution :

(g) the adoption of devices to convert the income of the institution or of the funds or properties thereof into ' pathakanika ';

(h) leading an immoral life or otherwise leading a life which is likely to bring the office of head of the math into contempt."

11. *Substitution of new section for section 55, Madras Act XIX of 1951.*—For section 55 of the principal Act, the following section shall be substituted, namely :—

" 55. *Power to spend ' Pathakanika '.*—The trustee of a math shall keep regular accounts of receipts of ' pathakanika ', that is to say, any gift of property made to him as the head of the math and shall be entitled to spend the said ' pathakanika ' in accordance with the customs and usages of the institution."

12. *Repeal of section 56, Madras Act XIX of 1951.*—Section 56 of the principal Act shall be omitted.

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13. *Substitution of new section for section 67 in Madras Act XIX of 1951.*—For section 67 of the principal Act, the following section shall be substituted, namely :—

“ 67. *Term of office and duties of executive officer.*—

(1) The executive officer shall hold office for such period as may be fixed by the Commissioner and he shall exercise such powers and perform such duties as may be assigned to him by the Commissioner :

Provided that only such powers and duties as appertain to the administration of the endowments of the religious institution shall be assigned to the executive officer.

(2) The Commissioner shall define the powers and duties which may be exercised and performed respectively by the executive officer and the trustee, if any, of the religious institution.

(3) The executive officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

(4) The Commissioner may, for good and sufficient cause, suspend, remove or dismiss the executive officer.”

14. *Substitution of new sections for sections 68 and 69 in Madras Act XIX of 1951.*—For sections 68 and 69 of the principal Act, the following sections shall be substituted, namely :—

“ 68. *Section 58 not to apply to notified institutions.*—

(1) Section 58 shall not apply to, and no Area Committee shall have jurisdiction over any religious institution notified under this Chapter or under Chapter VI-A of the Madras Hindu Religious Endowments Act, 1926 (Madras Act II of 1927), so long as the notification remains in force.

(2) Nothing in sub-section (1) shall be construed as prohibiting the framing of a scheme under section 58 during the period when a notification is in force, to take effect immediately on the notification ceasing to be in force.

69. *Saving.*—Nothing in this Chapter shall apply to maths or other religious institutions having hereditary trustees who have a beneficial interest in the income of the institution.”

15. *Amendment of section 76, Madras Act XIX of 1951.*—In section 76 of the principal Act—

(1) for sub-sections (1) and (2), the following sub-sections shall be substituted, namely :—

“ (1) In respect of the services rendered by the Government and their officers and for defraying the expenses incurred on account of such services every religious institution shall, from the income derived by it, pay to the Commissioner annually such contributions not exceeding five per centum of its income as may be prescribed.

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(2) Every religious institution, the annual income of which, for the fasli year immediately preceding as calculated for the purposes of the levy of contribution under sub-section (1), is not less than one thousand rupees, shall pay to the Commissioner annually, for meeting the cost of auditing its accounts, such further sum not exceeding one and a half per centum of its income as the Commissioner may determine.”;

(2) after sub-section (4), the following sub-section shall be inserted, namely :—

“(5) Whenever there is any surplus after meeting all the charges referred to in the foregoing sub-section, it shall be lawful for the Commissioner, acting *suo motu* or on an application to make grants to poor and needy religious institutions for carrying out repairs and renovation subject to such rules as may be framed by Government in this regard.”;

(3) at the end of the section the following Explanation shall be added, namely :—

“*Explanation.*—Any religious institution, the annual income of which is less than two hundred rupees, shall not be liable to pay any contribution to the Commissioner as required by sub-section (1).”

16. *Insertion of Chapter IX in Madras Act XIX of 1951.*—After Chapter VIII of the principal Act, the following Chapter shall be inserted, namely :—

“ CHAPTER IX.

ENDOWMENTS ADMINISTRATION FUND.

80. *Commissioner to be corporation sole.*—The Commissioner shall be a corporation sole and shall have perpetual succession and a common seal and may sue and be sued in his corporate name.

81. *Religious and Charitable Endowments Administration Fund.*—(1) There shall be established a Fund to be called the Madras Hindu Religious and Charitable Endowments Administration Fund. The Fund shall vest in the Commissioner.

(2) The contributions payable under section 76 (1) and the further sums payable under section 76 (2) shall, when realized, be credited to the said Fund. It shall be lawful for the Commissioner to accept to the credit of the said Fund grants or loans from the Government and grants from any private person. The Commissioner shall, out of the said Fund, repay to the Government sums paid by the Government under section 76 (4) and loans received from the Government.

82. *Validation of contributions levied.*—(1) Contributions under section 76 (1) and further sums under section 76 (2) shall be payable with effect from the commencement of this Act. For the period from the commencement of this Act

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until the commencement of the Madras Hindu Religious and Charitable Endowments (Amendment) Act, 1954, the rate prescribed by the Government under section 76 (1), or determined by the Commissioner under section 76 (2), shall be deemed to be the rate prescribed or determined under section 76 (1) or section 76 (2), as the case may be, as amended by the Madras Hindu Religious and Charitable Endowments (Amendment) Act, 1954, and contributions and further sums paid to the Government shall be deemed to be contributions and further sums, as the case may be, paid to the Commissioner under section 76 (1) and section 76 (2) as amended by the Madras Hindu Religious and Charitable Endowments (Amendment) Act, 1954.

(2) The Government shall pay to the Commissioner the balance, if any, remaining out of the aggregate of the contributions and further sums paid or realized before the commencement of the Madras Hindu Religious and Charitable Endowments (Amendment) Act, 1954, in pursuance of section 76 (1) and section 76 (2), after deducting therefrom sums paid by the Government under section 76 (4)."

17. *Amendment of section 87, Madras Act XIX of 1951.*—
In section 87 of the principal Act—

(a) the words and figures " as manager under section 56 or " occurring at the commencement of clause (c) shall be omitted; and

(b) for the words " any Magistrate of the first class ", the words " any Presidency Magistrate or any Magistrate of the first class " shall be substituted.

18. *Amendment of section 89, Madras Act XIX of 1951.*—
In section 89, sub-section (4), of the principal Act, the following shall be added at the end, namely :—

" The Commissioner shall pay to the Government any sum so accepted."

19. *Amendment of section 103, Madras Act XIX of 1951.*—
In section 103, clause (i), of the principal Act, for the words " payable to the Government ", the words " payable to the Commissioner " shall be substituted.

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20. *Amendment of Schedule I, Madras Act XIX of 1951.*—

In Schedule I to the principal Act—

(1) under the heading “I. Suits”, before the entry relating to section 52, the following shall be inserted, namely :—

“ 31. (4) Suits against order of the Commissioner 50

31. (5) Suits to set aside or modify Court's order 50

31-A. (2) Suits to modify or set aside direction of trustee 50”;

(2) under the heading “II Applications to Court” before the entry relating to section 62 (3) (a), the following shall be inserted, namely :—

“ 39. (4) Application to Court against order of the Commissioner 10 ”;

(3) under the heading “III. Appeals to Court” in column (1), before the figures, brackets and letter “62 (2), 62 (3) (b)”, the figures and letter “31-B” shall be inserted;

(4) under the heading “V. Appeals to Government, Commissioner, Deputy Commissioner or Trustee”, the figures and brackets “31 (2)” in column (1) and the entries relating thereto shall be omitted.

வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS